



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines


Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>


A 3 9015 00396 230 8
University of Michigan - BUHR



007

B 638 hi

17110
THE HISTORY
OF 44878
GENERAL LITERATURE,

VIEWED

POLITICALLY AND HISTORICALLY,

IN A POPULAR MANNER,

FROM THE EARLIEST TIMES TO THE SEVENTEENTH CENTURY.

BY

ROBERT BLAKEY.

Second Edition.

VOLUME I.

OLD AND NEW TESTAMENT POLITICS ; LITERATURE OF EGYPT, GREECE, THE EARLY CHRISTIAN FATHERS OF THE CHURCH ; ORIGIN AND PROGRESS OF THE LITERATURE OF THE PAPACY ; CODE OF LAWS FROM THE CHRISTIAN ERA TO THE DAYS OF CHARLEMAGNE ; SCHOLASTIC AND FEUDAL ERA ; CHIVALRY, TRADE AND COMMERCE, FROM THE CLOSE OF THE TENTH TO THE FOURTEENTH CENTURY ; SKETCHES OF CHRONICLERS, POLITICAL WRITERS, AND STATESMEN ; NOTES. ETC.

LONDON :

RICHARD BENTLEY, NEW BURLINGTON STREET,

Publisher in Ordinary to Her Majesty.

MDCCLXI.

PREFACE.

I HAVE for a long time entertained the idea, that political writers of all countries, have received less attention at the hands of historians and critics, than any other class of authors. Though the immediate effects of their writings may have been popular and influential for a season, yet they soon palled upon the public taste, and their authors have been driven back into the shades of neglect and oblivion. These results are, perhaps, natural to all political disquisitions. They are often transitory, local, and accompanied by no small portion of public excitement and contention ; and when the effervescence of the moment is over, apathy and indifference are the usual consequences.

We have historical sketches of the writings constituting most branches of knowledge, with the exception of political and social philosophy. There are, indeed,

partial histories of political works, only embracing very limited portions of time, and having but a circumscribed geographical range. The present work is an attempt to supply an obvious deficiency, by carrying our inquiries over a larger portion of time and country, and pointing out, as distinctly as possible, those various progressive step or land-marks, in the great framework of European thought, on legislation and general government.

As this work is, as far as I know, the first attempt of the kind in general literature, I must crave the kind indulgence of readers and critics for many shortcomings and imperfections which, I am not without fear, may be found in it. I have had no one to guide me in either its arrangement or execution; and when the varied mass of my materials is taken to account, the long period of history I have had to traverse, the multifarious and complicated nature of political and legislative principles, the clouds of party-spirit and bitterness in which they have so frequently been enveloped, and, above all, the difficulty of obtaining books on the subject; when, I say, these several matters, and many others which will present themselves to reflecting minds, are duly considered, it cannot fail to suggest itself to every candid understanding, that it will be only an act of common cha-

rity to view the errors I may have committed, whether of fact or opinion, with a lenient and friendly eye. My constant desire has been to elicit truth. I have had no party views to support, or feel interested in. I have endeavoured at all times to contemplate politics as a great science, second only in importance to the welfare of man, to theology itself; and wish now to be looked upon as the very humble historian of the many checkered phases and fortunes of its general literature.

I have written this work with the intention of making its several parts as popular as possible. The time, I conceive, has come when all reading and thinking men should know more of the history and nature of politics than they really do; and it has been my constant desire to keep ever before me the state of the popular understanding on the subject; taking care not to overload it with recondite speculations, or a profusion of notes, on trivial topics of antiquarian or historical curiosity. It would have been, comparatively, an easy task to have made these volumes double their size, but this would not have answered the purpose I had in view. To get at the minds of ordinary readers by the easiest and most direct route, has been my chief aim.

The present two volumes bring down the history of

political literature to the year 1700. They may be considered as distinct volumes. They have each an introduction, and a general summary at the end. The third volume will embrace the political literature of the whole of the eighteenth century; and the fourth will treat of the leading political systems of Europe, from the year 1800 till the present day. Both these volumes are in a state of forwardness.

CONTENTS OF VOL. I.

Introduction	i
--------------------	---

CHAPTER I.

A Few General Observations on the Old and New Testaments, considered as Records of Political Speculation	1
---	---

CHAPTER II.

Brief Remarks on the Governments of the Egyptian States, and on the Legislation of Carthage	11
--	----

CHAPTER III.

On the Political Literature of Greece	17
---	----

CHAPTER IV.

On the Political Literature of the Romans, from the Earliest Times to the Christian Era	78
--	----

CHAPTER V.

The Political Literature of the Christian Fathers of the Church	130
--	-----

CHAPTER VI. •

- The Origin and Progress of Political Literature connected
with the Civil and State Authority of the Papacy, from
the Christian Era, to the close of the Tenth Century ... 162

CHAPTER VII.

- On the Publication of certain Codes of Law, from the Chris-
tian Era till the days of Charlemagne; and on their
influence on the Spirit of Political Literature generally. 184

CHAPTER VIII.

- Miscellaneous Political Writers from the Christian Era, to
the End of the Ninth Century 198

CHAPTER IX.

- On the Illustration of the Politics of the Old Testament in
the Twelfth Century 210

CHAPTER X.

- The Political Literature directly emanating from the Scho-
lastic Philosophy, from 1000, to the year 1400 218

CHAPTER XI.

- On the Capitularies and Ordinances of the Kings of France,
and of various Compilations of Legal Customs and Rights,
and Formal Charters of General Freedom, made from
the time of Charlemagne to the commencement of the
year 1400 231

PREFACE.

I HAVE for a long time entertained the idea, that political writers of all countries, have received less attention at the hands of historians and critics, than any other class of authors. Though the immediate effects of their writings may have been popular and influential for a season, yet they soon palled upon the public taste, and their authors have been driven back into the shades of neglect and oblivion. These results are, perhaps, natural to all political discussions. They are often transitory, local, and accompanied by no small portion of public excitement and contention; and when the effervescence of the moment is over, apathy and indifference are the usual consequences.

We have historical events, which are the minds of
tuting men, which are the direct route,
own the history of

CHAPTER XIX.

Miscellaneous Political Writers, from the Ninth Century, till the End of the Fourteenth.....	353
---	-----

CHAPTER XX.

On the Old Chronicles and Statistical Writers, from the Christian Era to the Year 1400.....	401
--	-----

CHAPTER XXI.

Concluding Observations	445
Notes	477

INTRODUCTION.

By the term political literature, we must comprehend everything connected with civil government: the administration of justice; the production and diffusion of wealth; and whatever is immediately or remotely conducive to the social happiness, political power, and well-being of a people. A nation may be considered in the light of a great family; and whatever promotes the safety, peace, and comfort of that family, may properly enough come under the denomination of politics—of which political literature is the direct and tangible expression.

It must be obvious that a vast field is here opened to the reasoning faculties, and literary acquirements of men. In no department of human speculation and inquiry do we find fiercer contentions, more contradictory opinions, and more vehement desires manifested after victory, than in the sphere of political literature and discussion. A person looking from a distance on the arena of public life, and unacquainted with the

leading principle of civil polity would be apt to come to the conclusion, that all here was uncertainty, uproar, and confusion ; that no one fundamental axiom was beyond the reach of dispute ; and that truth seemed to make her escape from those engaged in the general and boisterous scramble to lay hold of her. Indeed, the fact is indisputable, that many sober-minded and intelligent persons give themselves up to a vulgar kind of scepticism on political matters ; and maintain there is nothing true, nothing scientifically certain in this branch of knowledge. Nor is this scepticism merely the embodiment of the casual and every-day conclusions of common life, and narrow observation ; it is now even formally enrolled in recent books of philosophy, and bandied about from one writer to another, as something very profound, original, and interesting.

We shall not stop at the present moment to enter upon any formal examination into the value and reasonableness of such doubts ; this we shall do in another section of this treatise. We shall merely observe, what a moment's consideration will suffice to show, that matters connected with the security and happiness of a nation, are pre-eminently calculated to give rise to the highest exertions of the intellect, and the proudest efforts of logical skill. Even the subordinate divisions of the general science of politics, are calculated to call forth the most profound and subtile powers of argumentation. The doubts which some are led to entertain as to the solidity of the general principles on which all comprehensive systems of general polity rest, may fairly be referred to causes unconnected with their abstract truth, or scientific validity.

The ordinary sources of such doubts chiefly take their rise from the following circumstances.

A portion of the difficulties connected with speculations and inquiries into political science arise from the innate complication of the subject itself. There is only a very limited view of the consequences of any given public measure afforded to the mind, even under the most favourable circumstances; and it is often difficult to keep up such a degree of attention to one set of causes and effects, as will enable a person to trace out their several bearings through the indefinite ramifications of social life. The intellect is apt to become confounded by the multiplicity of objects, which at once solicit and demand consideration.

Another prevailing source of differences in political sentiment and opinion consists, in the interests of mankind being closely and personally connected with their discussion. It will often prove a vain effort to convince a man of the expediency or wisdom of any particular course of state policy, if his private interests are likely to be endangered by its adoption. He will commonly reject all kinds and degrees of evidence; and the more palpable the testimony, the more obstinate will be his resistance. In other departments of knowledge, discussions are conducted with comparative ingenuousness and freedom from passion; but political questions come more immediately in collision with the prejudices of particular classes of the community, and by this means their minds become unfitted for giving the requisite degree of patient and clear attention to those distinct and broad principles, on which the truth and expediency of such questions rest.

The want of that power of the mind which seizes

hold of general principles, and submits them to a process of severe scrutiny, leads likewise to the establishment of erroneous political maxims. If a person do not possess this mental faculty in a suitable degree, his reasonings will be founded on isolated and unimportant facts; the faulty premiss will produce a wrong conclusion; the trivialities of petty legislation will assume an undue importance; and the power of discrimination between truth and error will be entirely obliterated.

The mixed nature of political measures likewise causes much misconception and doubt to the best and ablest of men. Some legislative measures are of a character partially beneficial; and, on their first introduction, bear promise of attaining the end for which they were framed. A lengthened trial, however, discloses their imperfection; and the authors of such statutory experiments, eminent as they be for rank, ability, and honesty of principle, are compelled to submit to the mortification of legislative defeat. If this led to the future practice of extreme caution only, an occasional misfortune might be said to be productive of good; but a political failure of this kind is apt to generate in a legislator one or two evils—either a morbid irresolution, or a reckless spirit of law-making adventure.

The legitimate purpose of all writings on politics, is to make the reader understand the general and true principles of social and political life. These exercise such a vast influence over the characters and happiness of mankind, that they never can be too often, nor too plainly and simply, laid before the public mind. No man can have the slightest claim to the title of politician who is unacquainted with the leading principles

of the social contract, or who does not keep them before him in all party discussions, and matters of legislative detail. These principles are of immense importance in preserving the mind from vague and undefined notions, springing from desultory reading or reflection, as well as for keeping the reasoning faculties duly balanced, amidst the everchanging and variable objects of political interest. A man must rise above the every-day bustle of mere newspaper controversies, if he wishes to avoid giving too much attention to ephemeral topics; and must keep steadily before him all those great and vital maxims of general polity, which, when fully unfolded, can alone confer true happiness, tranquillity, and power upon any nation.

How many busy and active minds might be found amongst the political parties of every state, who have never once asked themselves, "*What is a Government?*" And yet how natural a question to suggest itself to persons sitting in judgment on matters deeply effecting the happiness and welfare of millions of their fellow-creatures. But casting our eyes in almost every direction in Europe at the present moment, we recognise, by the every-day speeches of legislators, their crude enactments, their narrow views, their huckstering expedients, their selfish feelings, and party rancour, what an extremely difficult matter it is to fix sound and general truths into the minds of those, into whose hands the reins of political power are commonly placed.

The only remedy for these evils is an extension of political knowledge among all ranks of the people. They must be taught, or they will never fully appreciate the rights and duties of citizenship. Information

can be obtained here only by attention and study. The great interests of society would be essentially promoted by an enlightened and universal knowledge of its origin and character; and every community should feel a deep interest in extending, in all directions, the elements of political science. There is no real danger to the permanent interests of humanity to be apprehended from this knowledge. It has been the steady policy of all governments to act upon the principle that all political knowledge belonged, by a species of legal right, to the higher orders of the state, and that the mass of the people had nothing to do with the business of government, but to yield implicit obedience to its laws, and discharge all the fiscal exactions it might impose. And this general notion is entertained in all directions at the present moment; and we see, in the movements of governments which lay claim to a liberal and enlightened policy, continual references to this cardinal point in their legislative science. It is seldom, indeed, that a government will openly and in direct terms promulgate its anathemas against useful political information; but it often happens that every indirect mode is adopted to keep the people in profound ignorance, as to public matters intimately connected with their happiness and comfort.

A government that is hostile to the extension of philosophical and useful political information, acts in direct opposition to one of the plainest and simplest rights of the community. The great masses of the nation form its real strength and power; and they possess an inalienable right to every species of political knowledge connected with their happiness and well-being. The Almighty has endowed them with faculties

for the acquirement of this knowledge. Who, then, ought to deny them a free and unrestricted range in the fields of political science? As well might we deny them the cheering light of the sun, or the salubrious breezes of the air, as to impede the progress of truth to their minds, shut them out from all knowledge of the real principles of the social union, and consign every man to a state of political servility and debasement. Such conduct on the part of rulers is destructive of the best interests of a nation. It is debarring the people from the influence of those great truths which are the emanations of Divine wisdom, and the germs of national happiness, and moral progression.

We wish not to be misunderstood as to the nature of that knowledge we think useful to the people at large. We do not confine the terms *useful political knowledge* to the more intricate questions of social economy, where long study and peculiar powers of mind are requisite for their complete mastery; nor to those secret intrigues and deliberations of cabinets, on which some men set so high a political importance; but we mean those great principles of social morality which constitute the standard of civil polity, and from which all good laws and sound legislative measures proceed. These principles are identical with the happiness and improvement of man in all situations; and a knowledge of their nature, mutual connection, and consequences, we hold to constitute really useful information, worthy of the ardent curiosity, and indefatigable pursuit, of every individual in the state. We advocate the acquirement of great and vital political truths—truths of universal application—truths that recognise no national peculiarities—truths that are as

high and bright as the heavens, and as broad as the earth.

A common objection brought against the dissemination of political knowledge among the people at large, is, *that it would render them discontented and turbulent.* This we think groundless. It will be found here, as in many other departments of learning, that the more people know of it, the more cautious and dispassionate do they become in all their conclusions and judgments relative to it. When a nation become accustomed to exercise their minds on public matters, their moral feelings acquire a more vigorous tone, their more hasty and grosser passions become better regulated and refined, and the entire mental economy of the state is more decidedly and steadily directed towards objects and measures of an improving and elevating cast. There is nothing so dangerous to political power of any kind as ignorance. It will be found to be a great and salutary truth, that if rulers really do their duty conscientiously and wisely, and keep the public weal steadily in view, they have nothing to fear from the widest diffusion of political information. It is only irresponsible and despotic governments which aim at keeping their subjects in the dark on public measures.

We have heard another objection urged by pious and well-meaning people, that political studies *are apt to exercise an unfriendly influence on the devotional feelings of the community.* This we likewise think entirely groundless. The best things are liable to abuse. The same objection might be urged against all kinds of knowledge and learning. Politics, in proportion as they became more generally and widely studied, would

be found to have no more engrossing power over them than other mental pursuits. Unquestionably, the true path of wisdom lies in keeping every subject of speculation within its own natural limits, and preventing it from absorbing more than its due share of attention. We have before us bright examples of Scripture patriotism to direct us. We know that Abraham, and Moses, and Daniel, and Nehemiah, and many others, taught the principles of political science. The duties of citizenship were held by them to be of the most sacred kind, and nothing can be more repugnant to the views they entertain than a tame acquiescence in ignorance or oppression. It is, therefore, in strict conformity with both the letter and spirit of the sacred canon to diffuse political information among the people; for it is only by the fruits of such information that the economy of revelation itself can be effectually carried out.

If there be any truth and force in these remarks, the question may fairly enough be put—do the present educational institutions of Europe generally, favour the extension of useful political knowledge? We think not. And not to refer directly in support of our opinion to any of the continental modes of imparting instruction, which, as far as the real philosophy of government is concerned, are upon a notoriously narrow and illiberal scale, we shall take our stand upon the mode of education pursued in our own country, where there is a wider public platform for political discussion and sentiment. It appears to us, then, that the great error in all British seminaries of instruction, both aristocratic and popular, and the reason which the knowledge there acquired, has such

a benumbing effect upon practical information on politics, is, that the whole system of education is based on too narrow a foundation. The several branches of knowledge, grounded more directly on human nature, are imperfectly expounded, and rarely cultivated to that full extent commensurate with their intrinsic importance. To limit inquiry to the ordinary branches of natural philosophy, the mathematics, and classical literature, cannot be called a comprehensive system of education. Moral and political sciences ought to be considered in all their bearings and aspects. These affect the well-being of every human creature, however elevated or humble in the scale of social existence. They bear more tangibly and directly upon the happiness of vast bodies of men, than any of the branches of knowledge commonly taught at public universities. We hold, therefore, that our systems of general education are, in this particular, defective and partial. The great branch of knowledge—the philosophy of citizenship—is almost entirely excluded. Now this should be made a cardinal topic of instruction. Every student going from our universities, seminaries, and schools, should know something substantially about it. The leading principles of the science of government, and the general polity of states, should be fixed in his mind, so that he might be able to deduce and illustrate from them the civil rights of men, define the boundaries and subdivisions of them, and have a symmetrical and well-balanced system in his own mind. This would prove a most valuable species of information to him, when he came into active life, to fulfil the various duties which it required.

There is a constitutional want of affinity between

general knowledge—that is, a knowledge of the material world and its laws—and political knowledge; and this want of affinity may be in some measure accounted for, if we attend to the following considerations. It is a mistaken notion that a knowledge of scientific subjects can lead men directly to a knowledge of politics. What are properly called *politics*, appertain, in a great measure, to men's affections, social habits, and condition. They know from the ordinary feelings of their nature when the political machine gets seriously out of order, without any great depth of book learning. If a man have the most profound astronomical, or geological information—if he can even calculate the revolutions of the celestial spheres, and give accurate representations of every strata of the globe from pole to pole—this knowledge will not aid him much in ascertaining the nature and value of political truths. The reason is, that pure material science, abstract mathematical evidence, and a knowledge of languages, ancient or modern, have little or nothing in common with politics. These refer to the *inner* man. There is little affinity, or sympathy between them. The evidence of the one does not apply to that of the other. Hence it is, that for men to understand their civil relations, they must be taught them; a given scheme of regular instructions should be marked out for them; and then these important relations would be thoroughly comprehended and understood.

It is impossible to overrate the importance of the political instruction of a people. It gives life and interest to all history. Without it scenes and localities will remain barren, and stir no thought. It is the

only find out of which materials can be obtained for judging of the progress of civilization and public opinion; and which can furnish, besides, the only valuable safe-guards against the revival or waning forms of erroneous modes of legislation and government. Were political literature—by which we understand not a mere chronicle of wars, political intrigues, or barren facts, but a record of the abstract principles of polity recognised and acted on by nations at particular epochs of their history—generally inculcated among the necessary elements of instruction in all civilised communities, there would soon be manifested a higher estimation of all civil and religious privileges, and a more prompt and ready detection of legislative error and misrule. When a people are versed in the history of the great principles, laying at the foundation of social institutions, they have the elements of a regular and peaceful improvement of their condition in their own hands, and a valuable test at all times of the intrinsic importance and practicability of new and untried measures. Political errors, are, in nine cases out of ten, the offspring of ignorance and darkness; and nothing so effectually chases them from society, as to lift up the veil to the people at large, and make them acquainted with what is really based on truth, justice, and enlightened expediency.

That an early study of the true principles of political science is essentially requisite, in a country which justly boasts of so many excellent maxims and principles of civil government and civil institutions, will scarcely be denied; yet when we look at the negligence on this head, in the total omission of any direct kind of public instruction, calculated to impart a fair share

of knowledge of the subject, we are led to express our astonishment, that the people of our country are so well informed on public matters as they really are. Bishop Berkeley justly observes that, "The pretensions and discourses of men throughout these kingdoms, would, at first sight, lead one to think that the inhabitants were all politicians; and yet, perhaps, political wisdom hath, in no age or country, been more talked of, or less understood. License is taken for the end of government, and popular humour for its origin. No reverence for the laws, no attachment to the constitution, little alterations to matters of consequence, and altercations about trifles."

As our aim in these volumes, is not to write a dogmatical system of political philosophy, but to scan over the leading literary productions of those who have, in all ages, treated either of the entire science of polity, or detached or isolated portions of it, our development and illustrations of this philosophy will, consequently, assume an inferential, rather than a positive or doctrinal character. But as there are some elementary matters connected with all the phases of political literature in every country and age, it will prove of use to the ordinary reader to direct his attention briefly to them in this introduction. They will prove, it is hoped, of some utility to those especially who may not have hitherto directed their attention to the subject.

All political literature has the *nature of government* for its theme. What is a government? It is an embodiment of power and obedience;—power in the hands of rulers, and obedience in the people. What are the grand purposes of government? To promote

the peace and happiness of mankind. The value of all sound and constitutional governments are estimated by the measure of liberty they confer on the individual members of the state, compatible with the safety and well-being of the whole. These are the leading points of discussion in all literary and scientific treatises on politics as a general system of human knowledge.

From the common point of view in which mankind have contemplated political power in all ages and countries, there has arisen a sort of uniform mode of classifying and speaking of its direct manifestations in society. This classification is recognised in almost all ages, and in almost all books and treatises on the subject. It is of great use, because it enables us to treat of individual principles of vital importance, and to keep steadily before us, the various natural and artificial distributions of political power, and how far, and in what degree, they are fitted to act, directly or indirectly on the welfare of a people. This classification embraces three great branches or divisions of power; the Monarchical, the Aristocratic, and the Democratic. This is not to be considered in the light of a perfect division of power; it is only adopted now, as it is used by most all writers, for the sake of methodically treating of the general elements of political knowledge. These three kinds or species of governmental power run, as it were, into each other in numerous ways and degrees; and this depends upon how far other three kinds of power are engrossed by any one of them singly;—namely, the *legislative*, the *executive*, and the *judicial* power. On each of these subordinate descriptions of power, we beg to make a

remark or two, with a view of facilitating the comprehension of the entire subject.

A government may be compared to a compound machine. In all mechanical contrivances, it is the *power*, and the *weight*;—the power to be applied, and the weight to be raised. So likewise is it in reference to government; it is the *power* imparted, and the *benefit* to be realised by its application. A government frame-work consists of three grand divisions; embracing the whole mass of its innate or primary power, and the ends and appliances to which that power is subservient. Those divisions are the legislative power, the executive power, and the judicial power.

The legislative power is to make the laws. This is a comprehensive power; and, in a certain point of view, seems to embody every other kind of authority. "The legislature," says Blackstone, "is the greatest act of superiority that can be exercised by one being over another. In most kinds of which, in common parlance, is termed *constitutional* government, its boundless and undefined range is more apparent than real; for it is under the control of justice and the national good."

The duties of the executive power is to see the laws enacted by the legislative carried into effect.

The judicial power is of great weight and importance. Every thing valuable and important in a country—the order, security, and civil rights of the people, depend upon the faithful and independent character of its judges. Hence, in almost all ages, and under almost all forms of government, wise and upright men filling the judicial office, have been considered as a great national blessing.

Where the legislative, executive, and judicial powers, are all centred in one person, the government is called an *absolute monarchy*, or pure despotism. Again, when these powers are exercised by one and the same select body, composed of a certain class of persons, then the government, in point of form, is termed a *pure aristocracy*. If the several powers be divided and distributed among various functionaries, then the government is termed a *mixed government*. If the executive, for instance, be delegated to a single person, it is a monarchy; if to a certain class of persons, it is an aristocracy; and if to magistrates elected or chosen by the people, it is termed a republic. And the same thing may be observed relative to the legislative power. It is obvious, therefore, that these forms of general government which are termed, Monarchical, Aristocratical, and Republican, may be variously mixed together by the delegations and limitations of the legislative, executive, and judicial powers, in certain given proportions, so as to create a great number of varieties in each kind, and, in reality, to nullify the correctness of any such political classifications. But one thing may be kept in view, that whatever be the precise form of a government, the aggregate exercise of the legislative, executive, and judicial powers of the people, must constitute that which is truly denominated the *internal sovereignty of a nation*.

There have been two grand ideas pervading the entire mass of political literature from the earliest times to the present hour, namely, *liberty* and *tyranny*. To obtain the first and avoid the last, has been the great and ostensible burden of all the speculations of

cities where the suffrages of the people were allowed a proper share of influence in the election of magistrates and public officers, were never wanting in able men, devoted to the advancement and preservation of the public weal. It is the nature and professed object of popular governments to augment the power, riches, intelligence, and humanity of the people ; and wherever there is a failure in this respect, it commonly proceeds from some attempt of the few to monopolise an improper and overbearing influence.

The term political liberty is liable to be misunderstood and misapplied. Persons who do not reflect, conceive that it denotes the power to do everything which caprice may dictate ; and this belief, from folly and ignorance, is by no means uncommon. Man, in a state of society, may be said to have no *absolute* liberty or privileges whatever. These are purely conditional ; and are regulated and enjoyed in constant reference to the rights of other members of the community. Government is a means to restrain, to counteract, to enforce, to command, and to correct. Rational liberty proclaims an obedience to rational law, and chastises every transgression of it.

Tyranny, in every shape and form, is the monopoly of political power in a few hands. The people have no direct influence in the state. Hence, the base passions of human nature are called into activity, and the most unworthy means are employed to perpetuate and strengthen this power. An interest is created and upheld contrary to the public good, and the people are oppressed to support a system fabricated for their enslavement. But the exactions of despotism are paid with loathing, and received with suspicion.

Those who profit by national abuses, are forewarned of their unpopularity, by the consciousness of error and injustice; and, in accordance with the state maxim, "they fear those who hate them, and hate those they fear." This is the invariable result of that obstinate and active contempt of personal right, which adopts the agency of force to assure its predominance.

Tyranny is not a matter of form or name. Men are not necessarily oppressed, because they happen to live under an absolute monarchy, a mixed government, or a republic. Tyranny is something *done*; it must be something which is the cause of a whole people, or the greater part of them, being made to suffer grievous evils and wrongs. When this evil is inflicted, the act, superior to general consent, is one of positive tyranny, without any reference to the form of government under which it may be accomplished. It is the *deed* and not the *name* that constitutes oppression.

In bygone ages, personal cruelty was the distinguishing characteristic of irresponsible power. The Emperor Maximian condemned to death all those whom he suspected were informed of the lowliness of his Thracian origin; Augustus fed his lampreys with slaves, thrown alive into the stew-ponds; and the "ad gladium damnati" of the Colosseum were "butchered to make a Roman holiday." But another era has dawned, and tyranny, though still existing, is compelled to pay a greater deference to public opinion. The brute violence of the earlier times disappeared before the crafty severity of the dark and middle ages. The tyranny of modern times assumes a fiscal character. It takes away the substance of the people under various pretexts. This species of tyranny is to be

estimated by the annual drain of the resources of the community. It is of no consequence under what name, or under what form of government, these resources are absorbed and directed out of their legitimate channels. This may be effected in our own country by "Kings, Lords, and Commons;" in another by a "President, Senate, and Representatives;" and in a third by the right Divine of an "Absolute Monarch;" but the tyranny is the same in all cases. When the substance and energies of the people are wasted, it is tyranny of the worst kind, whether it owes its paternity to an Emperor, King, Consul, or President. It is by deeds alone that the public judgment is to be conducted to a right conclusion on the matter.

This statement must not be misinterpreted. It is not intended to affirm that all abstract forms or modes of government are alike indifferent. These modes or forms embody principles; and on this account are entitled to the utmost attention and regard. Political history, and political writings in general, furnish many examples of governments possessing the outward semblance of liberty, which, nevertheless, proved in practical operation, to be positive tyrannies of the worst sort. There may be theoretical freedom—that is, freedom on paper—with practical despotism; and, perhaps, the most insidious and dangerous violations of public right are those which, under a government nominally representative, are effected by a crafty and gradual introduction of improper means, in furtherance of acts of injustice, that become afterwards officially stamped with the authority of public sanction. Acts of tyranny thus statutised cannot be too narrowly scrutinised, and exposed.

The general conclusion that may be drawn from these brief remarks is, that liberty means the power which the people should possess in the making of the laws, and the personal application of the fruits of their own substance and industry. In an exact proportion as these powers and privileges are enjoyed, the happiness and welfare of the nation are promoted. Tyranny, on the other hand, means the unjust and violent retention or concentration of political power, and the fiscal extortion of the resources of labour and skill, by a few persons or select class. Wherever these display themselves, misery and moral debasement necessarily follow.

A despotic mode of government is an evil, because the "Father of the people," may be succeeded by the "Brother of the few;" neither is a republic, although professing the perfection of just and equal laws, always a safe guarantee for public faith and political virtue. Governments must be tested by their immediate acts; for it is only by this standard that a people can determine what is, or what is not, for their benefit and freedom.

Political writers of all nations have had, on the whole, a more direct and powerful sympathy with the people at large, than with any particular classes or sections of them. True, we see instances where some give their aid to the strong against the weak—to the artful against the simple and confiding; but, besides these being exceptional cases, we have this fact presented to us, that even when such writers have taken up weapons against sound doctrine, and constitutional freedom and progress, they have had to make appeals to the common feelings, instincts, and notions of man-

kind. They have had to employ the organs of the *sapienza volgare*, or the general sentiments of human nature. They have had to touch what is of universal interest, and what moves the deepest passions of the human breast. In no language, nor in any age, do we find a single political writer, who ever felt he was in a position, with any theory or piece of political philosophy, to set these at defiance. Taken as an entire class, literary politicians of all ages have been men of broad and popular sympathies; and have founded their theories of polity—whether for or against change—whether of a practicable or impracticable cast,—upon the universal basis of human desires, passions, and instincts.

There is no class of writings owe less to private or public patronage and applause than those of a political cast. The majority of these authors have been repaid by sufferings and persecutions, of which many volumes would not suffice to give an account. Every general and comprehensive truth has had to make its way to the public mind through hosts of prejudiced and apathetic hearers; and from the days of Pythagoras, who had to flee from Athens on account of his political writings, to the present hour, the battle between interested ignorance, and sound knowledge, has raged with unabated violence, and determined hostility. We owe, therefore, to political writers, as a body, our highest meed of commendation and gratitude. They have always stood in the very first ranks of human progress, and practical freedom. Some of these brethren, in all ages have been tempted to lend their aid to perpetuate ignorance and oppression, but these have been comparatively few in number;

and even their temporary defection from sound principles and patriotic sentiments, had often a powerfully direct and beneficial effect in promoting, in the long run, the extension of real knowledge and information among the great family of mankind. The chief portion of scientific and philosophical writers on politics in all ages, have been men of noble views, and disinterested aspirations; anxious to diffuse the seeds of truth among the masses of the people; and who have boldly and fearlessly propagated their principles, amidst the most untoward circumstances—alike against the frowns of power, and the misguided feelings of popular sentiment. Every epoch of political literature has had its martyrs, who have cheerfully laid down their life as a sacrifice for these abstract principles of civil polity, which we now consider the common inheritance of the world.

We are, indeed, often called on to lament, and with reason too, the fate of some distinguished philosophers, whose discoveries in science only obtained for them the dungeon or the axe; but these have been comparatively few in number compared with the host of political writers, who, in their respective generations, have been doomed to bear the ill-will and contumely of the world. The accusation against Roger Bacon that he was a magician, or the sending of Galileo to prison for asserting the true theory of the heavenly bodies, are but slight matters contrasted with what has fallen to the authors of political speculations. They have been a proscribed and trodden-down race at all times and in all countries. The sufferings from the world's scorn and hate, which the cultivators of all other departments of human investigation have ex-

passage in Lord Bacon's *Advancement of Learning*, where he seems to have fallen into nearly the same train of thought. "Another fault," says he, "likewise much of this kind, hath been incident to learned men; which is, that they have esteemed the preservation, good, and honour of their countries, or masters, before their own fortunes and safeties. For so saith Demosthenes unto the Athenians, 'if it please you to note it, my counsels to you are not such whereby I should grow great amongst you, and you become little amongst the Grecians; but they be of that nature, as they are not sometimes good for me to give, but are always good for you to follow.' And so Seneca, after he had consecrated that *Quinquennium Neronis*, to the eternal glory of learned governors, held on his honest and loyal course of good and free counsel, after his master grew extremely corrupt in his government. Neither can this point otherwise be; for learning endueth men's minds with a true sense of the frailty of their persons, the casualty of their fortunes, and the dignity of their soul and vocation; so that it is impossible for them to esteem that any greatness of their own fortune can be a true and worthy end of their being an ordainment; and therefore are desirous to give their account to God, and so likewise to their masters under God, (as kings, and the states that they serve,) in these words, 'Ecce tibi lucrefecì,' and not, 'Ecce mihi lucrefecì,' whereas the corrupter sort of mere politicians that have not their thoughts established by bending to the love and apprehension of duty, nor ever look abroad into universality, do refer all things to themselves, and thrust themselves into the centre of the world, as if all times should meet in them and

and systematically arrange and weigh the results of experience, we more prominently bring out to public view, the progressive character of this important branch of knowledge. The complicated nature of the social and moral relations of mankind becomes less apparent and bewildering. We are enabled to grapple more closely and successfully with the grand problem, how the advantages of general government are to be secured to the masses of the people with the least inconvenience and expence? As our information extends, we recognise more clearly those physical and moral principles on which the governmental affairs of the world rest; and feel more and more convinced that, however temporarily trifled with or disregarded, they must sooner or later become the leading objects of attention in the minds of all statesmen and politicians. When the mind once seizes hold of the idea, that great and noble ends are to be achieved, by which the general condition of human life is to be vastly improved, and all the members of society placed in a more elevated and improved condition, we no longer look supinely on the course of events, but feel the spirit of activity, vigorous within us, and an inward consciousness, that we shall be able to subdue and overcome many of these formidable evils and perplexities, which nature seems to have almost indispensably interwoven with man's social existence. It is this cheering hope of conquest, that will ultimately bear down those obstacles, which selfishness, passion, prejudice, and ignorance, oppose to the fairest hopes, and highest prospects of civil and political improvements, in all parts of the world.

Political science is the embodiment of civilization,

perienced, would, if put together, be in comparison with the persecutions of political writers, only as the drop of water to the ocean. It is the political thinker who has had to bear the ingratitude, the apathy, and the unrelenting wrath of mankind. He, above all the "race that write," has felt the fierceness of power. Being generally a man of bold and independent mind, and of quick and disinterested feelings, his battling with society has always laid him open to every conceivable form and degree of mental anguish and bitterness. He has almost always stood alone, and been greatly in advance of his age. We see no government taking him by the hand;—no royal society or institution crowning him with laurels;—no influential patron holding out his hand and his purse. He is the social Ishmaelite of his age, having his hand against every one, and every one having his hand against him. Dealing with truths and principles of the greatest moment to mankind, and imparting to society all that can adorn, and give stability and power to its structure, he lives without reward, and dies without honour.

As time rolls on, and wholesome and comprehensive political information extends its healing and enlightening influence among mankind, due honour will certainly be paid to this class of thinkers and authors. Their respective writings and merits will be better known and appreciated, and the great truths they developed and illustrated more firmly rooted in the understandings and memories of men. At present, political writers of the past are thrown into a promiscuous heap, as it were, and individual distinction can hardly be made; but this state of things will undergo a change, when the principles of the science of polity, extensive and


varied though they be, shall be properly assimilated to the public mind, and their history more fully and pointedly revealed. Erroneous legislation, party prejudice, narrow views, and popular delusions, may, for a season, retard the consummation of this end; but these will be removed one by one, and the entire science, and its historical progress, shall stand before the judgment of future generations, delineated in vivid and accurate distinctness.

New principles in politics must always be the result of pure speculation, and cannot, like many principles of natural philosophy, be verified by facts, previous to their public enunciation. We cannot make experiments on civil society as we do on material objects, because in all contemplated alterations and reconstructions of civil life, we should infallibly produce great actual mischief, and be successfully thwarted by the open resistance, and interested passions of men. Political writers have, therefore, little in the way of experiment to guide them. They are obliged to rely solely on *à priori* reasonings, and draw their arguments and conclusions from abstract rules and data. The general principles they advance always outrun the actual amount of the experience of the age. Hence they are for ever open to the erroneous interpretations, and the hasty and crude judgments of the multitude. But, as time moves on, such principles bring conviction home to the minds of men; and they gradually assume the appearance of every-day truths, which it would be the height of ignorance and presumption to call in question.

In contemplating the character and fortunes of literary politicians, I have often thought of a beautiful

which constitutes the staple commodity of political literature, in all its multifarious aspects and bearings. This line of proceeding we are compelled to renounce. But, in order to give a somewhat connected view of the entire history of the literature of politics to those who have but a partial knowledge of it, or who may never have thought of the legislative philosophy of the Bible at all, we may be allowed to state, in a few brief paragraphs, some of the leading features of that form of government of which the Jewish writings treat, and out of the principles of which many theories of private and public right and duty have taken their origin, from time to time, in the history of political speculation.

For the benefit of the general reader, it is necessary to make a remark or two relative to a subject which has occupied some degree of attention, at various times, among philosophers generally; namely, whether any, or what degree of knowledge was derived by the ancient Greeks from the writings of the Old Testament? Various and conflicting answers have been given to this question. It has been contended that from the very geographical position of the Jewish kingdom, there must necessarily have arisen a mental intercourse between the Jews and other surrounding nations, favourable to a mutual interchange of political opinions and sentiments. The Jewish polity being a singular one of its kind could scarcely fail of exciting some degree of interest in neighbouring lands, and of awakening a desire to know something about its character and history. In fact, this is just what really did happen, but at a period subsequent to the first development of Grecian political literature. The Old Testament writings were translated



into Greek, by order of one of the Kings of Egypt, about three hundred years before the Christian era ; a circumstance which could not have happened unless these writings had enjoyed a comparatively extended reputation and notoriety. We find this fully stated by several writers. Owen, in his "Theologia," says, "There is none who hath taught that there were amongst mankind any written laws more ancient than the Mosaic. Neither is it confirmed by any authentic testimony that there were any stated laws, although unwritten, (besides the dictates of reason,) constituted by the people for their government, before the Mosaic age. But that the frame of the Mosaic legislation should spread itself far and wide was foretold by the spirit of God in the book of Deuteronomy. And the learned Grotius maintains that the *Attic Laws*, from whence in after times the Roman were derived, owe their origin to the laws of Moses. There are other modern writers who maintain the same opinion. Among the number is Mr. Milman, who, in his "History of the Jews," remarks, that "the Hebrew Lawgiver has exercised over the destinies of mankind a more extensive and permanent influence than any other individual in the annals of the world."

On the other hand, it has been contended that this theory, as to the influence of the Jewish writings on Grecian political speculation, is in a great measure imaginary ; and that it is one of the crotchets which some of the ancient Fathers of the Church pertinaciously adopted, with a very slender stock of historical evidence to support it. Recent philosophical historians have given little or no countenance to this theory, either in its main principles or details.

Such is the substance of the statements on each side of the question. We shall pass no decided judgment on it; because we cannot enter so fully into the matter as to justify us in appearing dogmatical adjudicators on either side. We shall therefore leave the subject to the reader's attention, and proceed to give a very brief outline of the Jewish system of polity, as unfolded in the general books of the Old Testament.

We have little or nothing explicit in the Old Testament, on the nature of the government of the human family before the flood. The book of Genesis is merely introductory to the Mosaic legislation. After the deluge the family of Noah are represented as retaining and acting upon some of the primary principles of civil society. Subsequently, the Jewish government assumes various aspects. In the days of Abraham, Isaac and Jacob, there seems to have been a sort of parental mode of management which continued for some time. These Patriarchs were powerful, and in a certain point of view, despotic princes. They owed allegiance to no sovereign power whatever. They maintained an armed body of servants and dependents, and force was repelled by force. They were also priests to their vassals or followers; and fixed and regulated the religious festivals, and prescribed the offerings at the altar. This was the kind of civil polity carried out by the twelve sons of Jacob.

To this Chaldean generation certain great truths were committed by the Deity, to act as landmarks to the understandings of men in reference to politics, as well as other matters of weighty moment. These truths were considered in the light of a sacred trust for the use of all mankind to the end of time. They

were to preserve the knowledge of the Creator throughout succeeding ages; and all civil institutions were to have an especial reference to their nature and character. A strict and faithful observance of these axioms or principles of polity was promised to be productive of happiness and prosperity to every nation that recognised and acted upon them; and that a neglect or contempt of them was to be inevitably followed by dire calamities and punishments.

Under the government of Moses the Jewish nation was a theocracy; it was founded and regulated by the express command of the Almighty himself, through the instrumentality of his appointed and special lawgiver. A brief summary of the moral, political, and religious duties was promulgated from Mount Sinai, with circumstances of impressive grandeur and sublimity. These two Tables of Commandments constitute the fundamental laws of every form of human government. The primary maxims which were to guide the chief ruler, and to enforce the obedience of the people to his decrees and judgments, were fully developed. The multitude were called upon to adopt and observe this solemn compact by an oath of allegiance; and these Tables were to be preserved as a perpetual memorial of this mutual obligation—to constitute, in fact, the *Magna Charta* of their privileges and duties as citizens of the State.

This system of polity appeared peculiar to all surrounding nations. They could neither comprehend nor appreciate it. Idolatry was the sole religion of the mass of mankind. The Hebrews were commanded, however, to govern themselves solely by their own laws and institutions; and to avoid contact and con-

tamination with all surrounding nations. This separation from paganism was considered as essential for the accomplishment of the great object for which their civil polity was revealed.

The laws of the Commonwealth embraced matters of great importance. The appointment of magistrates; the setting aside of a learned class of the people, as princes of tribes, heads of houses, and genealogists; the rules for the government of the tribes amongst themselves; and the constitution of Legislative Assemblies; were some of the chief characteristics of their peculiar system of political philosophy.

The Legislative Assemblies were convened by the chief magistrate of the commonwealth, by the commander of the army, or the regent; and when there were any vacancies in these offices, the high-priest performed the public duty. The Assembly generally met before the door of the Holy Tabernacle, as it represented the Palace of the Invisible King. These Assemblies were of two kinds; the one composed of princes of tribes, or the heads of thousands, or associated families; the other, the entire congregation, embracing the genealogists, the judges, and as many of the commonalty as chose to attend.

From the death of Moses till the establishment of the monarchy, there was little constitutional alteration in the Jewish polity. But whatever innovations had been made, either for good or ill, were in their respective consequences, exactly in accordance with the predictions and declarations of Moses. The foundation of the monarchy took place, agreeably to our common chronology, about the year B.C. 1100. There were certain regulations and limitations of the royal pre-

rogative, of great importance, and which were laid down in the Old Testament, with great earnestness, simplicity, and force of language.

The other important epochs of the Jewish history are pretty well known to most readers. They include the monarchical period from the first king, to the revolt of the twelve tribes; from the revolt of the twelve tribes, to the Babylonian captivity; the return of the Hebrews to Palestine to the days of Alexander; and from this period till the partition of the empire under Antiochus Epiphanes; and from thence to the appearance of our Saviour. *who? christian?*

A great deal of matter, of the highest interest, might here be brought forward, relative to the several general or fundamental maxims of Jewish polity touching the laws of property, the nature of civil and penal legislation, and those maxims of justice and expediency, on which the rights and liberties of the great mass of the people rested. These several topics, for reasons already stated, must, however, be passed over at the present moment. We shall barely remark in conclusion, that the political literature of the Old Testament contains truths of such a character as to be recognisable by the meanest capacity, as well as by minds of the most comprehensive and profound cast. These truths are like a great river, small and narrow at its source, but gradually widening and deepening as it proceeds to the ocean; while in its progress it spreads life and enjoyment to the surrounding districts. Nothing can be more expressive of the innate value of these truths than to witness the most highly gifted of philosophers of all ages, bearing their testimony to the important and vital principles involved in these general political

maxims. These truths may be slighted by the superficial, sneered at by the sceptical, or neglected by the careless; but they must ever prove the only real and prolific seeds of genuine progress, and human happiness.*

We shall make a few remarks on the history of the Jewish Code as a written production, and as an instrument of education in the Jewish schools and seminaries. The *Corpus Juris Judaici*, like many other codes of laws in European countries, is composed of two parts; the "Unwritten," or "Oral," or "Common Law;" and the "Written," or "Statute Law." There is this difference between the Jewish Code, and several other modern systems of legal rules, that the *written* law of the Jews preceded the "oral," or "common law:" whereas, in England especially, the "written," is subsequent to the "common law." The Hebrew code is that which is contained in the Pentateuch; and, according to Jurists, is divided into *six hundred and thirteen precepts*; three hundred and sixty-five of which are termed "Negative precepts," because they prohibit that which is unjust or wrong; and the remaining two hundred and forty-eight, are "Affirmative precepts," as they command that which is requisite to be performed.

But it was found among the Jews, as well as in every other country placed under the influence of progressive institutions, that the general or fixed laws were inadequate to meet the justice and necessity of all cases between man and man; and in consequence of this, there came to be supplemental or explanatory

* See Heeren, *Ideen über die Politik*; Michaelis *Spicil. Geogr. Hebr.*; Shuckford's *Connexion of Sacred and Profane History*; Pocock's *History of Arabia*; Herbelot *Bibl. Orient.*; Silberschlag, *Chrolagogieder Welt.*; Gatterer, *Weltgeschichte*.

laws, which increased, from time to time, till they became more numerous than the original code itself. These supplemental regulations were called, "The Constitutions of the Prophets, and of the Wise-men;" "The decrees of the Synedrim;" "The Interpretations of the Doctors;" and there were also what were termed the "Constitutions of Moses," of supreme authority, because they were received from the Deity upon Mount Sinai.

During the forty years that Moses survived the promulgation of the law from Mount Sinai, he took upon himself the office of teaching the Israelitish nation how that law was to be interpreted and applied. After his death, this power was transmitted to Joshua; from Joshua to the elders who succeeded him; and from them to the prophets; and all these various "Decisions," "Interpretations," and "Constitutions," were retained in the memories of the Jewish people, and became invested with all the sacredness and power of the fundamental rules of law themselves. And it may be remarked, in passing, that the English law bears a striking resemblance to this; for the "common law" is a collection of unwritten maxims and customs handed down to posterity by "tradition, use, and experience;" and this fact is the foundation of the remark of Spelman, "*Leges sola memoria et usu retinebant.*"

During the exile of the Babylonish captivity, these traditionary and legal maxims, were in a great measure obliterated from the memories of the people. After their return to their own land, it was decreed that a Great Synagogue should be called together, consisting of *one hundred and twenty* of the most learned and able men of the nation, to consider of the best means of

restoring, and for the future preserving the traditions. These were, by this means, collected and methodised.

After the dissolution of this Great Synagogue, there was appointed what was called the "*Sessions of the Wise-men ;*" and this institution continued to augment the number of the explanatory or supplementary laws, until the first total extinction of the Temple took place, when the spirit of prophesy ceased among the people. There was then no infallible judge to resolve legal and constitutional doubts and difficulties.

In this state of things, the people had recourse to individual judgments, from men of greater learning and talents ; such as Simeon the just, Hillel, Gamaliel, and others, whose skill in the Mosaic law was both profound and accurate. In such cases their respective *decisions* were added to the common code ; and by the sect of the Pharisees, whose veneration for the traditions was carried to a great length, these various individual "interpretations," were most reverentially and strictly observed. This was the general state of the Jewish code up to the time of our Saviour's appearance.

CHAPTER II.

BRIEF REMARKS ON THE GOVERNMENTS OF THE EGYPTIAN STATES, AND ON THE LEGISLATION OF CARTHAGE.

ACCORDING to the General account of historians, Menes was the first King of Egypt. His reign is supposed to have commenced about the second century after the Deluge.

The kingly office in Egypt was hereditary. Diodorus maintains that the kings of this nation ruled with great wisdom and moderation; and were by no means so prone to exercise absolute power as some other eastern governments. No slave or foreigner was admitted to the personal service of the Prince; and he was obliged rigidly to conform to certain regulations imposed upon him by the laws; to follow no luxurious or expensive modes of living; to eat the plainest food; and only in such quantities and of such descriptions as were prescribed for him.

There were thirty judges appointed for the administration of justice, who were chosen out of the principal cities in the kingdom; and who were also to be the most renowned for their political wisdom, honesty, and humanity. Certain revenues were set aside for their support during the season of public duty; with a view

•

that they might not be distracted with domestic concerns, but able to give their undivided attention to such legislative measures as came before them. All matters were transacted in writing; and the president of this assembly of thirty, wore a collar of gold, on which was engraved a figure represented blind as an emblem of justice.

It is mentioned as an excellent trait in the government of Egypt, that every individual, from his youth upwards, was instructed in the nature of the laws, and induced by the strongest motives to pay them every degree of reverence.

The following were some of the principal laws of the state. Wilful murder was punished with death, whatever was the situation in life of the person deprived of life: the same punishment was awarded to perjury. A person bringing a false accusation against another, was liable to the same punishment that would have been inflicted upon the accused had the charge been substantiated. One who refused or neglected to save another's life when he had the opportunity, was considered, in the eye of the law, in the same light as a murderer. No man was allowed to lead an idle life; but every one was obliged to enter his name, and place of abode, in a public register, and to state therein his profession and means of support. If he made a false entry, he was immediately put to death.

To prevent the borrowing of money as much as possible, as well as the ruinous acts of usury to which it gave rise, King Asychis made the following law. No one was permitted to borrow money without the debtor pawned the body of his father, which every Egyptian was scrupulously careful to reverence, and

•

which was kept embalmed in his house, so that it might be the more readily removed for the purpose of pecuniary indemnification. If any person should be so unfeeling as to refuse to redeem this sacred pledge, he was denied the customary rites of burial. Polygamy was allowed to all except the priests; they were allowed to marry one woman. Whether she was a slave or a free person, her offspring was deemed free and legitimate. Old age was counted very honourable. The young were obliged to rise from their seats, and give them to the aged. There was, however, one law of a very heathenish and depraved description, which sanctioned the marriage of brothers and sisters. This offensive law was enforced even under the sanction of religion, from the alleged example of their gods, Osiris and Isis.

Some historians maintain that the Egyptians were the first people of antiquity who rightly comprehended, and acted upon sound principles of politics. The entire tendency of their laws was to make people happy. But we have already pointed out some public enactments, which are evidently contrary to every system of enlightened government. The Egyptians are also represented, in the few scattered memorials we possess of them, to have been eminently conspicuous for their gratitude of disposition. This fact would certainly go far to prove that their general system of legislation was not oppressive; and that the good feeling, and conciliatory manners which characterised their deportment in social life, were not repressed by political severity.

In the government of Carthage, three kinds of authority were established; namely, the two supreme

magistrates, called *Suffetes*, the *Senate*, and the *People*. In subsequent times the tribunal of *One Hundred* was instituted, and exercised a very beneficial influence for a considerable period, on public affairs.

The *Suffetes* were appointed annually, and their legislative powers were nearly similar, both in nature and extent, to those of the Consuls of Rome. These *Suffetes* were often called Kings, Dictators, and Consuls. We have no account of their mode of election; but in all probability it was of a popular description. They had the power to call the Senate together, in which they presided; proposed subjects for discussion; and took the number of voices on a division. In cases of national emergency, the command of the armies was entrusted to them. When their office of *Suffete*, or chief magistracy, terminated, they were made *Prætors*, who were invested with the power of looking after the public revenue, and other minor matters of public interest.

The exact number of members who composed the Senate is not known. The tribunal of One Hundred was drafted out of it; so that we may safely infer it must have been a pretty numerous court. Great attention was paid to the qualification of a senator. He was to be of advanced age, of great worldly experience, of high birth, and in wealthy circumstances. All important matters of state came before this assembly; such as communications from generals, reports as to the condition of the provinces, negotiation with ambassadors, and war and peace. In fact, this assembly may be considered as the moving power of the political machine.

In regard to the internal regulations by which the

was the subject of
court council, and of the

of which was the subject of CHAPTER III.
with which the subject

This subject is the subject of POLITICAL LITERATURE OF GREECE.

as it is known to commence with the Grecian era
subject of science;—an era which has exercised, on
and on the affairs of governments, and on the trains

The subject of speculative politicians, no little influence
exercised a body. Before, however, proceeding to notice,
more, on the subject, the political writers of the Greek school,
times of to give a general summary of the political in-
stances of Greece; for, unless we have some bird's
eye view of the ordinary polity of this interesting
subject we can in no degree be benefitted by any
view of their political systems or speculations.

It must be governments of some kind before there
any literary discussions on their nature or
stages. In framing this summary we shall be as
as possible; premising, at the outset, that we
avoid all knotty and controverted points of
political and social polity, and all matters that properly
belong to the historical connoisseur or antiquarian.
The mere skeleton or frame work of Grecian legis-
lation is all that can here be given; and this solely for
the especial purpose of aiding the general reader's
power to grapple more successfully with both ancient
and modern treatises on political science, in all ages
and countries.

a particular jurisdiction, and whose powers seem to have been of a very extensive kind; they were also invested with a privilege of self-election. The most disinterested and public-spirited individuals were commonly chosen to discharge the duties of this inner court of five members, for they were not allowed to have any pecuniary compensation for their services.

Aristotle justly remarks that there were two leading defects in the Carthaginian government: namely, the investing a single person with a multiplicity of offices; and making riches a standard for eligibility to situations of public trust and honour. The first he thinks highly prejudicial to the national interests; for he argues that a man confined to one department of legislation, will execute it a great deal better than when his attention is distracted by a multitude of projects; and with respect to riches being a qualification for office, he thinks this tends to close the door against all real merit and virtue; to set up a false standard of personal excellence; and to lead the people to an inordinate love of riches. These notions prove alike destructive to national greatness, and domestic happiness.

•

CHAPTER III.

ON THE POLITICAL LITERATURE OF GREECE.

WE have now to commence with the Grecian era of political science;—an era which has exercised, on the practical affairs of governments, and on the trains of thought of speculative politicians, no little influence and authority. Before, however, proceeding to notice, in their order, the political writers of the Greek school, we shall give a general summary of the political institutions of Greece; for, unless we have some bird's eye conceptions of the ordinary polity of this interesting people, we can in no degree be benefitted by any analysis of their political systems or speculations. There must be governments of some kind before there can be any literary discussions on their nature or advantages. In framing this summary we shall be as brief as possible; premising, at the outset, that we shall avoid all knotty and controverted points of general and social polity, and all matters that properly belong to the historical connoisseur or antiquarian. The mere skeleton or frame work of Grecian legislation is all that can here be given; and this solely for the especial purpose of aiding the general reader's power to grapple more successfully with both ancient and modern treatises on political science, in all ages and countries.

The early history of Greece is enveloped in great obscurity. All the historians of the country flourished long after the main transactions they describe took place; and this, of course, has been a fruitful source of much of the fabulous being incorporated with the true history of public events. Sir Isaac Newton fixes the year B.C. 1080, as that in which the city of Athens was founded; and this chronological date has been generally acquiesced in by subsequent writers of critical skill and reputation.

The first settlers in Greece and its islands are supposed to have been Phœnicians, who founded Thebes in Bœotia, and established a legislative system at Minos, in Crete, which was the first system of polity instituted in the country. It was of a purely military character, and its supreme power was lodged in the hands of a king or military chief, ten magistrates, and a senate, appointed for life. There were public assemblies of the people called together on general affairs, but what share of real power they had in the government is altogether a matter of speculation and uncertainty.

How long the kingly office existed in Crete, is uncertain. From the time of its ceasing, however, the general government seems to have undergone a radical change; for the island was divided into a number of distinct communities or cities, each of which had its separate government.

It is commonly supposed that it was from the government of Crete, that the Spartan legislation took its rise. The name of Lycurgus is intimately associated with the peculiar system of the Spartans. According to Newton's chronology, this lawgiver

flourished about the year B.C. 708. His system of government has been a fertile theme of discussion from his own day to the present time. It was particularly harsh, unnatural, and repugnant to the finer and loftier feelings of our common nature. The chief object of it was to train up soldiers; and the inflexible steadiness with which this primary object was kept in view, and the means taken to carry it into effect, remain at this moment a monument of surprise and wonder to politicians of all grades of opinion and sentiment.

In order to secure a strong and athletic race of warriors, Lycurgus enjoined that young men should only marry when in the full vigour and prime of life. The female was likewise brought under a severe system of domestic discipline, being obliged to engage in masculine sports, and to expose her person, in order to acquire a hardy and muscular body. The constitutional feeling of bashfulness and shame was to be eradicated from her breast; and she was daily accustomed to associate with young men, upon the same terms of equality as with those of her own sex. The matrimonial bond was held in some degree of reverence, but adultery was allowed whenever there was any want of issue, or a chance of improving the physical constitution by a change of family connexion. Indeed some historians affirm that this lawgiver descended to enact such laws relative to the union and cohabitation of the two sexes, as would be altogether intolerable to mention at the present day. Young men and women were looked upon merely in the same light as the lower animals.

There was a Magistrate appointed, called the *Pæd-*

omomus, who took the boys at an early age under his care, for the purpose of training them to habits of exercise, discipline, and particularly to temperance; not so much, however, with a view of elevating their moral characters, as to secure them those bodily qualifications of patience, resignation, and indurance, so necessary for the soldier and the citizen. Cunning, adroitness, stratagem, and even thieving, were considered indispensable accomplishments in the system of youthful training. When the youth grew up to man's estate, he was still under the especial care of the authorities; who regulated his movements and fate in war, and fed him at a public board, according to fixed and regular rules. His food was a kind of broth, which has obtained a proverbial notoriety for its unsavoury character, to which was added a limited portion of boiled pork. Both Kings and Magistrates sat down at the same repast with the citizens. Their respective places at the public table was a matter of legislative rule. They were classed in companies of fifteen; and each company admitted persons to fill up vacancies by ballot, in which a single dissentient voice excluded the candidate. Gymnastic exercises filled up a large portion of the time of the people, when not actually engaged in war or the chase.

The people were divided into six tribes, and each tribe into five sub-divisions. A regiment of soldiers was furnished by each tribe. Then there were *Castes* among the people, the same as in India and Egypt; so that families were doomed to the same station and occupation, from one generation to another. To be entitled to the full rights of citizenship, both the father and mother of a man must have been free Spartans

for three generations. There were citizens of a Patrician order, who had exclusive privileges.

The two Kings were selected one from each of the royal families. It is supposed they were elective by the mass of the people. There was a Senate, composed of twenty-eight persons, who held their offices for life. They were required to be sixty years of age, of unblemished reputation, and had to stand as candidates for the situation. The powers of the Senate were extensive. The Kings had the command of the army.

General assemblies of the people might be called either by the authority of the Kings or the Senate, or both. These assemblies were attended by all the free or free-born citizens of thirty years old, and were held monthly, or whenever any extraordinary occasion required their presence. The members of the assembly had no right to originate any public measure, nor debate it; for the magistrates alone, or those whom they or the Senate permitted, had the privilege of discussion; the assembly only having the right of acceptance or rejection.

The whole of the land of Sparta was divided into small allotments; 9000 for the Spartans themselves; and 30,000 for the Country people; each allotment being calculated to support a family; and no one was allowed either to sell, exchange, or devise his lot so as to deprive his heir of the succession. The use of gold and silver, as money, was forbidden; only pennies of iron a pound in weight, were allowed as a medium of exchange. No ornaments or luxuries of any kind were permitted. Neighbours could interfere with and correct each other's children; and even use each other's cattle, dogs, arms, and furniture. The most revolting

feature in the Spartan legislation, was the immense number of slaves kept in the country, and the cold-blooded and systematic cruelty exercised towards them. These slaves consisted of three distinct classes; the common household Slaves, the Helots, and the Messenians, a conquered people.

This constitution of Lycurgus, though one of the most strange and grotesque follies of legislation in the annals of the human family, lasted for the space of one hundred and twenty-five years. It then underwent a somewhat radical change, chiefly by the introduction of a body of magistrates called *Ephori*, the origin and nature of whose public functions have given rise to much controversy. It appears, however, unquestionable, that these Ephori engrossed great political influence in the state. They had the same right as the Kings and the Senate to convoke the public assemblies of the people; and they had likewise the important duty intrusted to them of removing and punishing magistrates for malversation in office, or for oppressing or illtreating the people. They even assumed the power of putting the Kings themselves upon their trial. Each King took an oath monthly that he would rule according to the laws, and the Ephori, and on the part of the people likewise swore that his authority should be only supported, so long as he kept his oath. Here was a formal compact entered into between the sovereign power and the mass of the community.

There are more authentic documents for the history of the government of Athens, than for Sparta. What were the precise form and spirit of the Grecian legislation, in its early manifestations, is only a matter of

conjecture. The general opinion seems to be that it was of a decidedly popular or democratic character, encumbered, however, with many checks of an arbitrary and stringent cast. One Cecrops is represented to have been the first lawgiver who collected the people into twelve tribes or towns, of which Athens was the most considerable. Then we have after Cecrops, Theseus, who flourished, about the year one thousand before the christian era. The other chiefs or kings who succeeded Theseus, are represented in the very questionable accounts we have of them, as having curtailed the liberties of the people to a great extent, and moulded the general government more into the monarchial fashion. About one hundred and fifty years afterwards, Cadmus governed the country, who, it is said, weakened the monarchial, and increased the democratic principle. About the year B.C. 600, the office of ARCHON, which occupies a conspicuous place in the history of the Grecian governments, was instituted. It was an office which represented a king or chief magistrate. It was originally held for life, but it was changed for ten years, and ultimately it became annual. When the Archon was chosen for life, the senate and the people seldom interfered with his decisions; but when the office became decennial, and then annual, the popular voice was more frequently brought to bear upon and control it. When the Archon was chosen yearly, there were nine persons appointed to the office, but one was held to be the chief. These enjoyed collectively the real power and influence of the government. But there appears to have been great confusion introduced into public affairs by this mode of government; and the community called upon Draco, a man of ability,

but of a harsh and sanguinary disposition, to frame a system of laws for the people, which he did ; but they proved of such a bloodthirsty kind, that his code has even descended down to our own day, as an object of reproachful and bitter accusation.

To remove this new grievance, Solon, a wise and temperate lawgiver, was called upon to give his aid and support. He introduced many beneficial reforms into the management of public affairs. He flourished about B.C., 550. The ancient magisterial system was maintained, but it gradually became, in all its essential features, more popular and democratic. Offices of all kinds became under the direct authority and cognizance of the people. An assembly called the *Areopagus*, which had been established before this time, was greatly improved by the wise regulations of Solon. The members of this court were chosen for life. Its powers were censorial ; punishing by censure and exposure, and likewise by penalties, all violations of the rules of morality, and all infractions of the laws and customs of the country. This institution underwent, however, many constitutional changes from the period of its establishment, to its final dissolution.

The election for Archons was vested in the people ; and by a law of Aristides, every citizen was capable of being chosen. But every person appointed was obliged to undergo two scrutinies ; one before the Senate, and the other before the tribunal of the *heliasts*. Candidates must show that they were descended of Athenian parents for three generations, that they had borne arms in the service of the State, and that their domestic character was free from reproach. At the end of the year, the Archons were eligible to the

Areopagus upon passing their accounts, and submitting to a new scrutiny as to their official conduct.

There were three divisions of the people;—natives, foreigners, and slaves. It is said, that the slaves far outnumbered the other two classes. The entire body of the nation was divided into ten tribes; and there was another division of them into three parts. Each division and sub-division had a public officer at its head. In Solon's time, he made a division of the people according to their incomes; those that had five hundred, three hundred, and two hundred bushels of grain. No citizen below these respective standards of wealth could fill any political office. Aristides, abolished this law, and made every person eligible to public trust and confidence.

The assembly, called *Ecclesia*, exercised all legislative and administrative power. Peace and war, alliances, expenditure, taxes, legislation, and the appointment of superior magistrates, were all intrusted to the same body. This assembly met every nine days, and oftener if any national emergency required their services. The President was always a member of the Senate, and the person who took the initiative in all public business. No resolution of the assembly could be taken on any measure, unless the Senate had previously sanctioned it by a vote. From time to time, however, great alterations were made in the relative position of the two bodies towards each other.

The Senate, in Solon's time, was composed of four hundred members; it was afterwards raised to five hundred, and they were chosen by lot from all the tribes. Each tribe returned fifty, and likewise another fifty more as substitutes, in case of death, illness,

or disqualification. A member when returned had to undergo a scrutiny as to his life and character, and he was liable to be impeached for anything tending to disqualify him for the office. When chosen, the entire five hundred were divided into sections of fifty each; and some authors maintain that each section again underwent another subdivision into tens. The pay of a Senator was about eightpence per day of our money. Originally the votes of the Assembly were taken by the holding up of hands; but afterwards by the bean or ballot.

To keep popular influence within some rational bounds, there were several political checks or counterpoises invented at various periods of the Grecian legislation. One of these checks was the appointment of public orators. There were ten chosen in latter times by lot, who had to debate the cause of the people, both in the Senate and the Assembly, and were paid for their services each time they spoke; for the Assembly fourpence a day, for the Senate eightpence, and the same for the Areopagus. Before a man was appointed to be an orator, he was subjected to a rigid examination as to his character. Any act of immorality, any political offence, or misbehaviour in time of war, excluded a person from the office. He was likewise required to be a native, born of Athenian parents, to have one or more legitimate children, and to have some landed property in Attica. The same character and qualification elicited by the inquiry, were required by all other persons who wished to address the Assembly, as well as the public orators; and if a man attempted to conceal any part of his former life from the court of scrutiny, he was liable

to punishment, as well as being disqualified from acting in future.

There were many stringent rules respecting all alterations of the laws. This operated powerfully in repressing the desire of the people for sudden changes in the government. The three first Assemblies each year were devoted to the consideration of new laws; but the two first of the three could only consider of such as were not repugnant to any law already existing. No proposal of a repeal, or other law inconsistent with the old was then received, but it was rigorously exacted that no such law should be propounded without a previous repeal of the old. When the proposition was made, a number of persons, some say fifty, were appointed, called *Nemothetes*, or law makers, not by lot, but by selection, to digest and reduce the said proposition to writing. When reduced to the regular form, it was laid before the *Prytanes*, who were enjoined to make it public, by affixing it to a portico in a frequented part of the city, called the *Statues of Ten Heroes*. The instrument was thus required to be placarded daily until the assembly met for its discussion. Another class of *Nemothetes*, amounting it is said to the number of five hundred, then examined it, as well as the Senate itself. When all this was done, five persons were appointed whose duty it was to defend the old law, and to use all legitimate argument against the introduction of the new measure.

Besides these numerous and complicated precautions, there was a fixed decree making it criminal to bring forward any legislative rule which ran counter to the existing law. This was a powerful check upon hasty and crude law making. A person who suggested the

repeal of an old law, was bound to substitute a better in its place ; and if the innovation did not turn out for the real benefit of the public, he was liable within a year to have a prosecution instituted against him, even if his new law had been ratified by both the people and the Senate.

It was likewise a rule in Grecian legislation, rigorously adhered to, that no law could be enacted to affect any one person without affecting equally the whole people, unless *six thousand* persons were present, to give it their sanction. When a new law was made it was usual to add a perpetual prohibition of any repeal or alteration. Meetings of the Assembly might be adjourned upon the appearance of any omen to authorise such a step.

After many vicissitudes and eventful circumstances, Sparta overthrew the popular government of Athens, and an oligarchy, called the *Thirty Tyrants*, was instituted in its stead. This odious faction perpetrated great cruelty, having, in the short space of three months, put *fifteen hundred* citizens to death. It was at length overthrown, and a democratic constitution substituted in its place, whose factions and chiefs governed the country by systems of tumult and intrigue. And this state of things substantially remained until Greece became a part of the Roman Empire.

It cannot but be an interesting question, to the general readers of political science, what was the state of that branch of knowledge among the Grecian people which we denominate by the terms, *political economy* ? It unfortunately happens that the materials for a full and satisfactory answer to this interesting question,

are very scanty ; and all that can be said on the subject, will be found, to be very imperfectly calculated either to satisfy our curiosity, or to enlarge the boundaries of our knowledge.

There are some particular views which the ancient Greeks entertained, often alluded to by modern political writers, on the nature and influence of national riches, which it is necessary we should here briefly advert to, before we make a few remarks on the various topics which are commonly arranged under the head of political economy.

The industry arising from the exercise of commerce, and the mechanical arts, was not held in such high esteem among the ancient Greeks as among the modern nations of Europe at the present day. This arose from several causes. But the most powerful was the state of slavery which prevailed among the Greeks. All household duties were committed to the management of menial servants ; and the mechanical trades, the working of the mines, the management of the public galleys, the carrying on of manufacturing establishments, including even the early education of children, were entirely supported by the labour of slaves. It was no uncommon branch of business to keep slaves, and let them out for hire to perform certain things ; and the riches of the leading people in the states were estimated by the number of bondsmen they possessed. The consequence of this was that there were very few trades left to be followed by free citizens ; and the public mind became deeply tainted with the notion, that all industry and trade were degrading and mean. "In well regulated states," says Aristotle, "the lower order of mechanics are not

admitted to the rights of citizenship." In some cities, however, trading people and mechanics were held in more repute; for we find that during the democracy in Athens they were eligible to fill the offices of citizens and magistrates. At Thebes, there was a law that no one who had been engaged in retail trades within the space of ten years, could be elected as a magistrate. The consequence of all these regulations was, that they tended to check private enterprize, and seriously diminish the amount of national wealth.

Agriculture was held in high repute among the Greeks. In those districts where the cultivation of the ground formed the principle occupation of the people, almost all other trades were held in contempt. "The best nation," says Aristotle, "is a nation of agriculturists."

The same philosopher ridicules the idea that a nation is to be accounted happy and prosperous in proportion to the quantity of gold or silver it may possess. He says "many suppose wealth to consist in abundance of coined money, because it is the object of usury and commerce. Money is of itself without value, and gains its utility only by the law; when it ceases to be current it loses its value, and cannot be employed in the acquisition of necessities; and, therefore, one who is rich in money may yet be destitute of the means of subsistence. But it is ridiculous to say that wealth consists in anything of which a man may be possessed and yet die of hunger; as the fable relates of Midas, at whose touch every thing became gold."

With respect to laws immediately affecting the trade and commerce of Greece, little is known beyond mere conjecture. The general opinion on this subject

seems to be, that restrictive prohibitions were not numerous nor extensive in their influence. They appeared to have been enacted always for some pressing emergency, and not from any settled principle of national economy or legislation. There were no prohibitions to export the raw produce, nor any bounties given to one class of the community to gain an advantage over another. Perfect freedom in industry and commerce seems to have been the general rule; and where exceptions are to be found, they may be attributed to merely local or incidental circumstances.

The important privilege of coining money, was vested in the hands of the State. Gold and silver were the standard medium; and the ancient coins of these metals, now in existence, appear to have very little alloy in them. But the Greeks had also a local money called tokens. "Most of the cities," says Xenophon, "have money which is not current except in their own territory; Leuce merchants are obliged to barter their own wares for other wares. Athens makes a solitary exception. It was, therefore, quite common for cities to have two kinds of money, coins of nominal value, current only in the city which struck them, and metallic money, of which the value depended on its intrinsic worth, and which circulated in other places." We have no knowledge, however, how this artificial medium regulated the circulation of the precious metals, or whether there were any legal enactments on the subject.

It is difficult to determine, with any degree of accuracy, what was the extent of the national wants in the several states of Greece. These wants varied at different times and places. In Sparta for a long period,

public burdens, in the shape of taxes, seem to have been unknown ; and honour was the only commodity which rewarded the labours of public men. Soldiers were citizens ; and as every thing connected with their equipment and maintainance, was regulated with the greatest simplicity, there were none of those expensive public institutions, for the effective control of warlike resources, which are now general in modern nations.

But Sparta is not to be considered as a fair criterion of the situation of the other states of Greece. Many of the latter felt the heavy burden of taxation, even in their most splendid and prosperous days. There were four items in the expenses of the Grecian nation, which made the exactions of the government oppressive. These were its public monuments, its festivals, its army, and its navy. The two first, the national monuments and festivals, were intimately blended with the religion and character of the people ; and in this respect they both became politically important. Every city had its gods or guardian deities, and these were to be preserved, in sculptural marble, under the roofs of appropriate temples. Holidays were also indispensable to the Greeks, and consisted of processions, music, and public exhibitions of various kinds. The outward respect paid to these tutelar deities, and the splendour of the public processions, were considered as intimately connected with the happiness and honour of the nation. The spirit of rivalry entered largely also into these national displays ; and one state vied with another in their devotion to the gods, and the costly magnificence of their religious festivals. Thus the idea of promoting the general good, opened a boundless field for individual expence.

But the principal burdens of the Grecian states arose out of their army and navy. They had no standing military or naval force; and when war broke out, every thing had to be raised on the shortest notice, and at the greatest expense. Historians mention that this source of expenditure was not so great, while the nation continued to depend, for defence, on their militia forces; but when they began to hire mercenary troops, the burdens of the state became fearfully increased.

With respect to the means of imposing taxes to meet the public exigencies, no very exact or minute account can be given. Athens is the only state of which anything is known on this subject. Aristotle observes that "The third kind of administration is that of republics. In them the principal source of revenue is from the produce of their own soil; the second from merchandise and the markets; and the third from the contributions paid by the citizens in turn." We may conclude from this quotation that direct and indirect taxation were known and practised among the Greeks. The first mentioned impost must have partaken of the nature of a property tax, and the second on articles of consumption.

Taxes on land and houses formed a considerable part of the direct imposts of the Grecian states. "In some states," says Aristotle, "the common expenses of the administration are paid from the revenue derived from the harbours and duties; while the taxes on land and houses were regularly *assessed*, but they were only collected when extraordinary supplies were required."

Resident foreigners paid a tax in most of the cities of Greece for protection; and this tax sometimes par-

took of the nature of a poll-tax, and sometimes a tax on their property.

The mode of collecting the imposts on articles of consumption was by levying the duty at the seaports and harbours. Demosthenes says, that these custom-house duties formed the chief sources of revenue in Thessaly. Thucydides informs us, that, "when the Athenians became masters of the *Ægean* sea, they appropriated to themselves, in all the islands subject to them, the collection of the custom duties, instead of tribute which had been before exacted."

Articles which were considered luxuries were especially taxed. At Ephesus a tax was imposed for wearing gold on the clothes, and in Lycia for using false hair. Aristotle mentions that in particular cities, on extraordinary occasions, there was a sale of public estates, the rights of citizenship, besides taxes on several professions and employments, such as conjurors and quacks, as well as on those monopolies which the state itself possessed.

The national imposts were in many cases farmed out to individuals. At Athens this was general; and it was partially followed at Byzantium, Macedonia, and other places.

By whom were the taxes imposed? Little is known on this subject. Duties of a permanent description were fixed by what were called ancient laws; and these laws were essentially under the control of the people. From the speeches of Demosthenes, it would appear that all taxes at Athens were confirmed by popular sanction.

We have now endeavoured to give a brief summary or abstract of the celebrated laws and political in-

stitutions of Greece. A general knowledge of them is indispensable to a due appreciation of the social and legislative speculations of this ancient and scientific people. The ground we have cursorily gone over will greatly aid our future progress, in tracing out the various opinions and theories more recent politicians have propounded, on the nature of the social contract, and the foundations of legal science; and, also, in enabling us to recognise, with some degree of accuracy, the sources from whence many of the individual parts or elements of such opinions and theories have proceeded. As we descend down the stream of time, we shall find continual references made, by all classes of writers, to the political sentiments of the people of Greece, and to these civil institutions they so enthusiastically cherished, for the support and honour of their country. It is hoped, therefore, that what has been stated in the preceeding pages will aid the attentive reader in forming to himself a tolerably correct estimate of the entire scheme of Greek polity, as known and developed in this early seat of human civilization, refinement, and philosophy.

We shall endeavour to shape our remarks in this chapter in conformity with the general course of chronology; but even on this point, some deviation will manifest itself, partly from the scattered and dubious nature of the materials with which we have to deal, and partly from a desire to impart to our remarks some degree of method and connection.

Those politicians who flourished in the first era of Athenian greatness, are but few in number, and the history of their speculations little known. Thales lived somewhere about the year B.C. 650. Diogenes

Laertius tells us, he was a profound and influential political philosopher. He is one of the *Seven Sages* of Greece. We are in possession of no written work from his pen; but there can be little doubt but that he was one of the most distinguished political authors and thinkers of his age. Anaximander of Miletus followed him in the career of philosophy, and probably adopted his general views on the abstract nature of political science. Diogenes of Appolonia was an eminent man in his day; and from a fragment of his work *On Nature*, we may augur that the social relations of man had not escaped his keen and profound observation. Heraclitus of Ephesus was a politician of great note; so much so, indeed, that some historians affirm, that his entire writings were constituted solely of dissertations and essays on the science of government.* He places the validity of all legal enactments upon the basis of the *universal reason*. He maintains the maxim that "a people ought to fight for their laws as for their walls." "All human laws," says he, "are supported on the Divine law; for its power is equal to its will, and it is all-sufficient, and all-pervading." Anaximander of Miletus was a disciple of Thales, and adopted his political views. Anaxagoras of Clazomene, was an active political controversialist, who lived at Athens, and was a great friend of Pericles. Political right and obligation were discussed by Archelaus Physicus, who was led, however, to consider all the duties of men to the state from a material and physical point of view.

Social and political speculations formed a part of the Pythagorean philosophy. Pythagoras, B.C. 570, the

* Diog. Laert. L. 9, 15.

founder of the sect, was a native of Samos. His history is wrapped in great obscurity. He cultivated politics with much ardour; and his political *maxims* have been highly extolled by antiquity.* His opinions on matters of government gave great offence to his countrymen, and he was obliged to take refuge in a foreign land in consequence. He maintained the necessity and importance of an aristocracy; and this tenet is supposed to have excited the wrath of the democratic party against him. This philosopher does not seem to have embodied his views in a regular theory, but to have looked upon the entire science of social polity as based upon practical and every day observations and conclusions. Being of retiring and ascetic habits, he was inimical to all legislative measures which encouraged luxury and refinement. He insisted, however, on the vital importance of education, as an element of national improvement.

In the Eleatic school of philosophy, Xenophenes of Elea is said to have paid some degree of attention to the principles of legislation. But Permenides of Elea is considered, however, as the chief politician among this sect of speculators. He was looked upon as a most profound and original thinker on the abstract matters of governments. He is stated to have penned an entire code of laws for his fellow citizens, which was of such an high order of excellence, as to induce his countrymen to yearly renew an oath to abide for ever by the laws of Permenides. Zeno of Elea was a zealous and able disciple of his, and is believed to have written several works in defence of his master's system. Empedocles of Agrigentum, and Melissus of Samos,

* Varro. app. August. de ordine, 2, 54.

were likewise politicians of some note belonging to this speculative sect.

The political opinions of the Stoical school of philosophy are founded on the common sense, feelings, and sentiments of mankind. This is the basis of all legislative, and social power and authority. Thus our happiness consists in the pursuit of wisdom; and this wisdom is centered on the principles of our common nature, and its object is to purify, and exalt it. A regularity and steadiness are imparted to all modes of legislation known and practised among men, by the powerful and uniform operation of the instinctive faculties of their nature. Political justice and right rest upon following the intentions of nature, by a rigorous and accurate mode of testing her decisions and conclusions. Self-love, and self-preservation, are the active and living elements of all social confederacies.

But though observation is the foundation of political wisdom, we must avoid the erroneous conclusion, that all state obligation and duty, are merely conventional. Justice and law have a necessary and permanent character. Man is a political animal; it is his duty, if required, to sacrifice himself for the good of his country and the common interests of mankind. In all human and Divine things it is proper to obey the laws, because they have a natural foundation in the constitution of things.

A rational or wise man will attach himself to human society; but, in other cases, he will decline to take part in political affairs and controversies, and lead a separate and retired life.*

* Cicero, De Fin : 3. 30.

In public life it is the duty of citizens to check the progress of vice, and strengthen the hands of virtue. But the administration of public men should be characterised by the most rigorous and inflexible rules. A legislator ought never to give way to compassion, indulgence, or forgiveness; not even to any idea of equity in opposition to the strict requirements of law. This portion of the political and legislative theory of the Stoics is both absurd, and full of danger to any community which adopts it.

Among these philosophers who went under the denomination of the *Latter Stoics*, the doctrines relative to political speculation, maintained by their predecessors, were considerably modified. Orcesilaus, considered governments as institutions, which must be subject to considerable variations, from external circumstances, and matters of an exceptional and contingent character. Carneades was another philosopher of this sect, and is famous for his *Oration* against justice. He considered justice not as a natural or fixed principle of human nature, but as solely springing from the civil institutions of men. He argues that if justice were natural to man, the idea of it would be identical everywhere; whereas, on the contrary, we find that justice is differently defined in different countries and states, and when viewed through the glass of history, has assumed very variable and inconsistent aspects. Justice cannot, therefore, be a virtue, for virtue is the same in all places and ages. It is often the height of imprudence for nations as well as individuals to follow the dictates of justice. No one would desire to be thought just, where the very act of justice he would perform would infallibly entail upon him the imputation of injustice.

Every man, by the decree of his nature, is left to make his choice between three things; namely, either to commit injustice, but not to suffer it, or both to commit and suffer it, or, lastly, neither to submit to it himself, nor inflict it on others. But inasmuch as an individual is weak and helpless in himself, and not able for the first, and the second involves greater misery, the third alternative is chosen; and hereby it is, that men consent to submit themselves to laws, for the mere sake of the aid and protection they yield them.

Cicero, in the third book of *De Legibus*, remarks, that, in general, the sects of the Stoics were not, with the exception of Diogenes, and Panætius, distinguished for their skill in the theory of politics; but still that "they were not so deficient in their speculative dissertations respecting politics and laws, as they were in the practical application of them to the service of the people."

The Epicurean philosophers speculated to some extent on the principles of legislation. The Ethics of Epicurus himself, the founder of the school, in which his notions of the nature and offices of governments are embodied, have been the subject of much controversy. By some, nay, perhaps, a decided majority, of his critics and commentators, they have been considered as lax and of an universal tendency; and by others as rational in principle, and harmless and defensible in practice. The supreme good, Epicurus affirms, of every national system of polity, rests upon the capability of promoting happiness, or a happy life. Men, like other animals, are invariably and instinctively impelled to the pursuits and enjoyments of pleasure, and the avoidance of

pain. Happiness is the professed aim of all human endeavours and institutions. Laws are instituted for the sake of the wise and rational part of mankind, not that they may do, but that they may not inflict injury on each other. The foundation of all law and right is a compact for securing mutual advantages and pleasures; where there is no real or implied compact, there can be neither law nor justice. But Epicurus does not deny the existence of abstract ideas of natural justice and equity, but he thinks these consist in reference to those things or matters which are fitted to promote our interests, and augment the number and intensity of our real pleasures, and must be variously modified plans by which the public good can be promoted and secured. When a law is once established reasonable or wise, men will yield it a hearty and willing obedience. They may be induced to act in opposition to these ideas of natural justice and right, since injustice itself is not an evil; but they are prevented from pursuing such a course, by the dread of punishment, since they can never be in a position where detection is not possible. Thus the good citizen, not living under the constant dread of the law, is protected by it, and is secure, in a great degree, from the violence and injustice of his fellow man.*

Theopompos was a philosopher of Chios, and, according to Athenæus and Dionysius of Halicarnassus, wrote a political work called *Thamasía*. There is only a fragment of this extant. The entire book had been of the fanciful and Utopian character; for what now remains of it, is a dialogue between Midas, King of Phrygia, and the demy-god Silenus, in which the

* Epic; ap. Diog: Laert: 10, 150.

latter informs the former, that in a distant land, far beyond the great ocean, lying to the westward of the Pillars of Hercules, there was an extensive country, —inhabited by a race of men of gigantic stature, and of inferior animals of all kinds, of corresponding dimensions. There were many populous cities and towns in this country, and all the civil and social institutions of the people were of a peculiar kind. One of these cities was called Eusebius, or Holy City, and its inhabitants lived to double the age of ordinary men. The country around this city for a great distance was cultivated like a garden, and the inhabitants lived without labour upon the spontaneous fruits of the earth. War and strife were entirely unknown to them, and sickness never heard of. They presented such a picture of peacefulness and innocence, that the gods condescended to mix in familiar intercourse with them, as the Olympian Deities did with the Arcadians in the age of gold.

Hippodamus is mentioned by Aristotle, in the second book of his Politics, as a politician of considerable note and distinction, and who wrote a book on the best form of government. According to Aristotle, his notions of a model republic were these. There were to be ten thousand men, divided into three classes; soldiers, artificers, and husbandmen. The territory is divided into three portions likewise; the sacred, set aside for the exigencies of public worship; the common, for the soldiers; and the private, for the use of the husbandmen. His laws were divided into three parts, to correspond with his three species of injuries; insults, damages and death. There was a court of appeal of select Senators. There was also a law to recompense

those who conferred great benefits on the community by improvements in its civil and political constitution. Magistrates were all to be elected by the free and unfettered suffrages of the people; that is by the three classes of citizens already enumerated.

In a fragment, reported by Stobæus, the ideas of this Grecian thinker on the nature of a mixed form of government are thus related. "The laws will produce a durable empire, if the state is of a character mixed, and composed of all other political constitutions;—I mean of all those conformable to the natural order of things. Tyranny, for instance, is of no utility to States, no more than oligarchy. What, therefore, we should lay down as the first foundation is, royalty, and in the second place, aristocracy. Royalty, in fact, is a sort of imitation of divine providence; but it is difficult for human weakness to maintain it in this similitude,—for it is apt to degenerate through luxury and violence. We, therefore, should not adopt it without limitations, but receive it in that degree of power and influence which is most serviceable to the state. It is of no less importance to establish aristocracy, because the existence of many great men results from it; an emulous ambition among themselves, and a frequent substitution of power. The presence of democracy is also necessary; the citizen who forms an integral portion of the entire state has a right to his share in its honours; but this should be vouchsafed in moderation; for the multitude is always assuming and precipitous."^{*}

In Herodotus, the earliest of profane historians, we have several intimations of what were his own opinions

^{*} Stobæus, p. 251.

on important questions of civil government. He evinces a decided predilection for the monarchical form of legislation, as it prevailed in many of the eastern nations. In the speech which he puts into the mouth of Darius, we find the following sentiments on this point. "I think nothing can be imagined better, or more perfect, than the government of a single person. When one only commands, it is difficult for his enemies to penetrate and discover his secret interprises. If the sovereign power be lodged in the hands of many, it is next to impossible but that the deliberations must be discovered, and that enmity and ill-will prevail. Each one is jealous of his own opinion; ambition and rivalry promote discord; and hatred transports them into the most violent antipathies. Hence arise seditions, murder, and carnage, which insensibly lead again to the ancient government of a monarch. And it is thus that the sovereign authority almost always returns into the hands of a single person. In a popular government, it is impossible but that there must be much corruption and wickedness. It is true, that equality does not in itself engender hatred, but it foment and maintains union among the wicked, who support one another until one among them obtains consideration sufficient to conciliate the people, and in the end he domineers over the multitude; thus he becomes truly a monarch, and often even a despot. We are then constrained to acknowledge that a monarchy is the most natural form of government, since sedition in an aristocratic, and corruption in a democratic form, equally tend to unite the sovereign power and denomination in one person."*

* Herodot: Thalia.

The Greek sophists, as a philosophical sect, were distinguished politicians, but we have little or nothing remaining of their written theories or dissertations. Modern historians and critics differ much as to the motives, labours, and influence of the sophists; some conceiving them entitled to great praise as useful and zealous teachers of the people in public matters, and others considering them as a set of low and crotchety demagogues and fanatics, whose great aim was not to disseminate truth, but to delude and bewilder the minds of their hearers.

Mr. Grote, in the eighth volume of his "History of Greece," has the following among many other observations on the Sophists. "The paid teachers under the name of Sophists, were Protagoras of Abdera, Gorgias of Leontini, Polus of Agrigentum, Hippias of Elis, Prodicus of Keos, Trasymachus of Chalcedon, Enthydemus and Dionysodorus of Chios—to whom Xenophon adds, Antiphon of Athens. These men—whom modern writers set down as the Sophists, and denounce as the moral pestilence of the age—were not distinguished in any marked or generic way from their predecessors. Their vocation was to train up youth for the duties, the pursuits, and the successes of active life, both private and public. Others had done this before; but these teachers brought to the task a large range of knowledge, with greater multiplicity of scientific and other topics—not only more impressive powers of composition and speech, serving as a personal example to the pupil; but also as a comprehension of the elements of good speaking, so as to be able to give him precepts conducive to that accomplishment—a considerable treasure of accumulated thought on moral and

political subjects, calculated to make their conversation very instructive, and discourse ready prepared on general heads, or *common places*, for the pupil to learn by heart. But this, though a very important extension, was nothing more than an extension, differing merely in degree from that which Damon and others had done before them. It arose from the increased demand, which had grown up among the Athenian youth, for a larger measure of education and other accomplishments—from an elevation in the standard of what was required from every man who aspired to occupy a place in the eyes of his fellow-citizens. Protagoras, Gorgias and the rest, supplied this demand with an ability and success unknown before their time; hence they gained a distinction such as none of their predecessors had attained, were prized all over Greece, travelled from city to city, with general admiration, and obtained considerable pay. While such success, among men personally strangers to them, attests unequivocally their talents and personal dignity, of course it also laid them open to increased jealousy, as well from inferior teachers as from the lovers of ignorance generally—such jealousy manifesting itself by a greater readiness to stamp them with the obnoxious title of Sophists.”

We are not, however, to conclude that political speculations and discussions took their rise from the labours of the Sophists. The fact is, that from the earliest dawn of learning in the Grecian states, politics as a science, had a distinct and independent existence. It was interwoven with the general system of philosophical thought, and gradually expanded itself, as the minds of the mass of the people became more intelligent and refined. The Sophists merely performed a public

mission, which the circumstances of the times seemed to demand.

The history of Thucydides contains many political principles, and observations on the science of government generally. And the same may be remarked of the Orations of Demosthenes; that on the Regulation of the State, and one on the Crown, are especially worthy of perusal. He was a distinguished politician, and one who paid the most profound attention to the general principles of legislation and civil power. In one place he says, "The design and object of laws is to ascertain what is just and honourable, and expedient; and when this is discovered, it is proclaimed as a general ordinance, equal and impartial to all. This is the origin of law, which, for various reasons, all are under an obligation to obey, but especially because all law is the invention and gift of heaven."*

Socrates, 468 B.C., constitutes a conspicuous landmark in the progress of Grecian public opinion. He was as great in politics as in morals and philosophy; only he has not left us any written records of his thoughts on the subject. This is a matter deeply to be regretted, as he was profoundly acquainted with the entire system of government and laws, both as it referred to his own country, as well as to foreign theories. His public teachings, generally embracing direct allusions to common sentiment and feeling, formed an important element in Grecian political speculation; but we have the fragments of these teachings only from second hand sources, and not direct from his own pen.

After the death of Socrates, we have the great

* Oratio, 1st.

politician Plato, (B.C. 428,) presented to us; whose fame as a writer on general government is of the most extended and undying character. He was profoundly skilled in all the questions of the day relative to the nature and origin of social institutions. To deep thought, acute observation, and a lofty spirituality of conception, he added extensive experience from foreign travel; for he visited various countries for the express purpose of making himself thoroughly acquainted with the political sentiments and views of other nations.

The *Commonwealth*, or as some stile it, the "*Dialogue on Justice*," was the result of Plato's riper years and understanding; and he is said to have paid great attention to its revisal, during his lifetime. The political part of the treatise must be considered through a moral medium; for it is assumed by Plato, as a first principle, that moral virtue is the excellence of human nature, and that the more fully this excellence is brought out in the culture of general society, the more simply and easily does the political machine move and act.

He was too keen and profound a genius not to see, that before he could fully develope his plan of government, some preliminary discussion was requisite to ascertain and fix the nature of what he called *Justice*. This he proceeds to do by showing that what is just, does not depend upon arbitrary enactments or decisions of legislators; otherwise there could be no real science in politics whatever, for what was good and just in one state, might be considered bad and unjust in another. He falls back, therefore, on some general test. This he looks for in the constitution of the human mind itself; and finds it in three distinct

principles, susceptible, in their respective developments, and aggregate relations, of explaining the general phenomena of the political world. These principles are;—the desire of pleasure; the defensive faculty, or the principle of irritation; and reason.

Here there is opened out a wide field for discussion. Numerous considerations arise from the mode in which these three faculties act and re-act upon each other; and the ascendancy which any of them gains over individuals in society at large. To have confined his remarks or illustrations to mere personal cases or instances would have amounted to nothing; Plato, therefore, looks at a Commonwealth in the aggregate, and then attempts to trace out how these re-union powers are manifested by classes of persons. He is by this means able to work out his political problem, and to give a somewhat plausible solution of it. Wherever there is a deviation from the perfect form of the Commonwealth, Plato finds it to arise from the irregular and deranged action of the three powers,—the love of pleasure, the principle of irritation, and reason. They do not act in harmony, and hence the political machine gets out of order. In considering the three elementary forms of government,—tyranny, an oligarchy, and a democracy, he makes the three faculties act a pre-eminent part; and it is by delineations of their individual and general actions, that he comes to his conclusions as to the nature of these forms of government, and to what their regular features are, from various points of view. In the Dialogues, the moral element greatly prevails over the political,—the latter being made subservient to the former. Reason is made the ultimate arbiter, or sovereign legislator; and keeps in subjection

the other inferior powers of the mind. Public happiness is promoted just in exact proportion to the wisdom and tact which she displays in her intellectual territory. Every error she commits tells immediately upon the fortunes of the State.

According to the theory here laid down there is an indissoluble and powerful sympathy between man, and society ; between his moral feelings, desires, and conceptions, and the State of which he is a component element. Hence individual and political systems of morality, illustrate each other.

Plato's *System of Laws*, contains, in the first five books, his observations and ideas on the general principles on which all law is founded ; on the duties and obligations of legislators ; and with remarks on the advantages which would accrue to mankind if the reasons for the enactments of all laws, were brought home to the understandings of men, and rivetted in their memories.

The other remaining five books treat on municipal and international laws.*

All Plato's political speculations had as we have seen, moral philosophy for their basis. He took a comprehensive view of man in his ethical character ; and was convinced, that the only mode of dealing with him, and improving his nature, as a member of a social confederacy, was by keeping in view those universal principles of action, passion, and sentiment which display themselves in the every-day movement of human life. His moral system having, likewise, a distinct and necessary connection with the great maxims of theism, he was led to incorporate theological

* Platonis, de Republica, Cantab ; 2 vol. Gr. et Lat. 1713.

doctrines with the more abstract principles of his political philosophy. This latter circumstance tended to impart that *ideal* character to his social system, which it has invariably maintained from his death to the present day. But a careful perusal of his *Republic* will show that there is, in reality, less of the imaginative, and more of the practical in his views, than men are commonly led to think. His reference to actual experience is frequent and conclusive. He constantly appeals to Sparta, Crete, and Crotona, for illustrations of his fundamental positions; and seems anxious that men should not be led astray by impracticable and whimsical theories of government.

The doctrine of different *castes* or orders of men, lay at the root of all the political speculations of the ancients, and vitiated and corrupted all their theories and public institutions. In writing his *Republic*, Plato seems to have paid marked attention to this political principle; and to have looked into its various workings as exhibited in Egypt, in India, and in his own native country, and more especially under the government of Lyeurgus, with a keen and discriminating eye. He still, however, seems to have thought the principle of castes a sound one; for we find him dividing the citizens of his ideal Republic into three distinct orders; the magistracy, or the race of gold; the warriors, or race of silver; and the workmen, or race of iron. To remove any objections that might be urged against this classification, on the score of repressing the spirits or hopes of the great bulk of the people, he provides what, in fact, amounts to something like a compromise of his own principle, by divine ordination, that a citizen of the race of gold

should have a son of the race of silver, and *vice versa*, and that one of the race of iron should have a son of the race of silver, and perchance of the race of gold. He thus breaks in upon the absolute character of the doctrine of castes, and make a fusion of the whole of the three races.

As an antagonistic principle in some measure to the dogma of Castes, Plato, in his Republic, establishes among the people a community of goods. Women are even to be common to all; a sad drawback to the lofty views of the propounder of the system. A common family is thus formed, and all the children recognised as the heirs in common of the state, which takes upon itself, the care and responsibility of their maintenance and education. These two principles,—the community of goods and the community of wives,—are certainly widely apart from the doctrine of castes; and in what way or degree they were to be reconciled or amalgamated, either on practical or philosophical grounds, the divine philosopher does not inform us. Poets were in his Republic hardly dealt with, being liable to banishment for corrupting religious sentiment and opinion by mythological fables. No foreigners were allowed to reside in the island of *Atlantis*, lest the citizens should be led by them to adopt luxurious habits and innovations, incompatible with the other political and important duties of social and public life.*

Rousseau makes the remark, that Plato, in his Commonwealth, had traced rather a system of education

* *Morgenstein*, Caroli de Platoris Republica Commentationes tres.

Bassarion (Cardinal) *Contra Columniatum Platonis* Lib. 4, c. 2, Venet. 1516.

See Bockh, Bekker, and Von Ast, as to the originality of several works, and parts of works, ascribed to Plato.

than the plan of a government. The Grecian philosopher imagined that the best way of rendering men fit for the privileges of citizenship, was by educating them from the cradle, and, were it possible, even by changing their natural relations of birth. He obliterated family connexions, in order that the fraternity of the state might be fully realized. He caused the relations of the sexes to disappear; and taking from women their most amiable virtues, modesty, and fidelity, he aimed at the same time to free them from all natural weakness, and to render them as robust and warlike as men. His theory viewed in this light, continues Rousseau, was only an exaggerated commentary on the rugged and coarse institution of Lacedæmonia, written with the enthusiasm and ingenuity of an Athenian philosopher.

Dr. Gillies observes, in reference to the political works of Plato, that, "Like some other of the scholars of Socrates, he traced the plan of a perfect Commonwealth; though his work, known by this title, as has been justly observed by a great genius, (Rousseau), is rather a treatise of education than a system of policy. The real republic of Plato is contained in his book of Laws, in which he explains, with no less acuteness than elegance, the origin and revolution of civil society, and traces the plan of a republic nearly resembling the Spartan model."*

After Plato, we come to Aristotle, B.C. 384, his distinguished pupil and rival in all the departments of human knowledge and inquiry. From the days of the latter to the present hour, his ideas and opinions of the nature of civil institutions, have been matters of deep and lively interest to all politicians; and have

* Hist. of Greece, vol. 3, p. 127.

furnished an inexhaustable fund for comment and criticism. His profound investigations, his splendid genius, sound judgment, and rigorous logic, have placed him at the head of all heathen philosophers on the nature and origin of the science of government.

The political speculations of Aristotle embrace three topics of discussion; the origin of society; the distinction of ranks in a state; and the most salutary plans of political economy.

On the origin of society, he grounds his opinions and principles upon the social phenomena of life. Government is a thing springing out of human nature, and is quite as natural as any mere physical fact can be. Thus government is an institution coeval with men's very existence; it may, and it does vary in different states and nations; but the great principles of events and sociability run through every form of it.

In the first book, Aristotle discusses the nature or end of a Commonwealth or State; analyzes it; shows that monarchy was the first form of government; enters into matters connected with domestic economy; gives his opinion on slavery; on the accumulation of wealth; riches, real and artificial; trade and commerce; money; manufactures; monopolies; women; children; slaves; and the connection subsisting between domestic and political economy.

The second book is taken up with a discussion on the political system of Plato. Here Aristotle points out the errors into which his master fell. He examines the Platonic Republic; the doctrine of the community of wives, children, and goods; the nature and use of separate or individual property; Plato's book of Laws examined and criticised; various schemes for the

equalization of property; their manifest futility; Hippodamus and his ideal republic; arguments in favour of innovation; arguments against it; the Spartan government; the Cretan; the Carthaginian; the Athenian; and of the political speculations of Zaleucus, Charondas, Philolaus, Diviles, Phaleas, and Androgamas.

Aristotle's third book, enters into the nature and offices of different forms of government, with a view to show what their constituent elements really are. He discusses what is meant by the word *citizen*; how constituted; the virtues of the man as an individual, and his virtues as a member of the state; the differences between these; various forms of government; their distinctive character; the principles of democracy; of oligarchy; of monarchy; the various kinds and modifications of these; and general arguments for and against particular forms of government.

The fourth book is devoted to the examination of the question, which form of government is the best? Aristotle here discusses the different views which men entertain on national happiness; what is a fair estimate of it; the best commonwealth; the extent and nature of its territory; commerce; naval power; climate; constituent members; health; the institution of marriage; and on children.

In the fifth book, the philosopher examines the system of education by which the best form of government is upheld. This embraces the nature of education generally; its different branches; how far it should be cultivated; grammar; drawing; gymnastics; music; exercises adapted to different ages; doubts concerning

the advantages of music; its various kinds; and the purgation of the passions.

The sixth book has been considered by some modern politicians as a masterpiece of sound reasoning. It embraces the question how "civil society is formed according to different models of government, and the several species of it?" This general and important inquiry contains discussions on governments; the modes of classifying them; democracy; its four kinds; constitutions, one thing by law, another in fact; the materials best adapted for different governments; mixed governments; the tests of a good government; how governments may be altered and improved; means which the nobles take to deceive the people, and the people the nobles; analysis of the principle of sovereignty; constitution of its several branches; and how far agreeable to the spirit and letter of different governments.

We have political revolutions treated of in the seventh book. Here Aristotle discusses the causes of political disturbances and seditions; insolence and rapacity of men in power; secret combinations of factions; particular causes of disturbances in each form of government; how governments are to be preserved; this is to be done by strengthening the middle ranks; of the laws of democracy, oligarchy, monarchy, and tyranny.

The eighth book contains republics of husbandmen; of manufacturers and merchants; imperfections of democracy; of oligarchy; of military and naval power; the different branches of executive magistracy; magistrates for protecting commerce, and regulating contracts; of police; of revenue; courts of record; comptrollers of

public accounts; different orders of priests; and superintendents of education and morals.

Aristotle maintains that all governments tend to two extremes; the one which has for its sole end, or object, the general good of the people; and the other which sets that good at nought. Whether a government be monarchical, aristocratical, or democratical, there is still inherent in each form a tendency, greater or less according to circumstances, to run into either extreme; and, as it has been observed, he showed that each kind might sin against its own end and aim—the public interest; the monarchy, by becoming a despotism; the aristocracy, by degenerating into an oligarchy; and the democracy, by falling into Anarchy: in all which cases the people at large were absolutely neglected, and the usurping body consulted its own interests or caprices alone. Nor should it be forgotten that this great man, with his deep knowledge of human nature, has devoted much of his writings to show how the people may, by education, be so much improved in knowledge and in virtue, as to become capable of exercising political privileges with advantage to the State. Admitting, as he does, that there had always existed in the Greek Commonwealths a large body of utterly ignorant and unprincipled persons;—the sport of their own blind passions, and the ready tools of whatever ambitious and profligate leader might arise to direct them for his own ends; in one age, the willing slaves of some successful warrior; in another, the headless followers of some powerful orator, through whose dangerous influence the popular form of government was sure to be corrupted, and the people to contract all the vices and the ferocity of the tyrant:—he

points out how these evils, excepting in the case of a few unhappily constituted individuals, might be prevented by a fit system of moral, physical, and intellectual training. In order to maintain perfect equality among the citizens, he prescribes that the greater number of offices are to be conferred by lot; in general no one is a second time to serve in the same capacity, except only in military places; and justice is to be administered by all the citizens in succession. The exception introduced as to military service shows the dilemma in which Aristotle found himself, of applying his rules to cases of public service bearing directly upon the State; for the duty of defending it against foreign enemies only differs in the degree of its importance from that of performing any other duty towards the community.

Political virtue is, in Aristotle's idea, strictly in unison with personal or individual virtue. Virtue in a State or Community, is justice. This term justice is, however, often taken in a variable sense. It sometimes designates the intention or power to dispense to every member of the State that which the law orders or awards; and sometimes for that which gives to every individual whatever belongs to him. Thus arise two kinds of justice—the distributive and the retributive. Applying this distinction to society, he says it is just, that all the members of it should participate, according to merit, in those goods or benefits, which are divisible among its members—namely, honours and property. The scale which is to regulate the allotment or distribution of these goods or benefits, according to merit is a geometrical one; and the value of the individual is to bear to the allotted benefit, the same ratio as that of another's is to his portion.

Retributive justice exacts equality in goods, in the act of the exchange; and, consequently, the ratio which regulates its advantages is an arithmetical, and not a geometrical one. In both cases, justice is the virtue which proportions out the social benefits to all classes of persons. It is the mean between the doing and the suffering of injustice. It is limited entirely to the civil relations of life; for when we depart from this abstract and general view of it, and treat of the relations subsisting between master and slave, parent and child, husband and wife, we obtain only a resemblance to justice. In a State we must make the distinction between what is naturally just and right, and what is legally and humanely just. The former is every way the same; while the latter varies with the legislative power and enactments of every country. Natural law is more estimable than positive law; and equity is superior to justice; because from the very nature of law, great injustice must often be inflicted to gain the end proposed. This often gives rise to special rectifications of its severities and inhumanity. Here equity has to step in, and assert her healing power, and remedy the evil.*

The political philosophy of Aristotle, taken as a whole, differs in some essential points from that of Plato's. The former is more practical, material, and gross, than the latter. Every thing which relates to the good of man in Plato's system of social science, has a direct and immediate reference to the great source of all intelligence and good; while, on the other hand, Aristotle, in writing of what is good in society, restricts his views of its nature and consequences to the present

* Eth; Nic: 5, 10, 11.

hour, and with little reference to any spiritual or loftier element of speculation. He makes a distinction between that which is absolutely good, and that which is relatively and practically good to man, as an instrument of necessity and expediency; and he contends that the higher, or more general good has no necessary logical connexion with the contingent and subordinate good of the creature.

Aristotle took an enlarged view of politics as a science, and included in it all ethical or moral disquisitions and principles. He makes three chief divisions of it:—Ethics, Economics, and Politics. The latter term is taken in a narrow and contracted sense. He considers ethics or morality to be the basis of all sound politics; since without good morals, no state can enjoy security and prosperity. The Economics treat of the general management of a family.

In Aristotle's opinion, the moral constitution, sentiments, and feelings of man, are to be considered as resting upon an altogether different ground, from other portions of animated nature. The distinction between man and other animals, consists in this, that the former participates more directly and largely in the divine nature and attributes than the latter; and consequently, that man has a measure or extent of reflexion which is denied to the inferior members of the creation. Man, he says, is a domestic and political animal; and all that which we designate individual and social morality, and individual and social good, is a thing which springs naturally out of his constitution, which we call his soul, or reflective powers. Man is, therefore, in all his movements, limited to the seeking after that species or kind of good which is

calculated to minister to the present wants of his being. For wherever, or in whatever degree, this principle is departed from, in the exact ratio is evil and punishment brought both upon individuals and communities. All the impulsive desires of man to action, and the gratification of certain appetites and passions, rest upon this cardinal point of his absolute wants and necessities.

Aristotle maintains that the origin of states and governments rests upon the formation of individual families. Society is merely the union of several of these. The object of the union is, to be able to defend itself, and obtain the necessaries of existence. The weakness of individuals is obviated by the formation of a common bond or league. Calculations of utility or advantage are, at the bottom of all social combinations; but utility, in its widest signification, is the rule, and not merely present gratification or indulgence. There must not only be a supply of the necessaries of life; but good order and virtuous sentiments must be established and promoted, or society will not hang long together. A state is to be distinguished from a mere horde of people extrinsically united by the sole circumstance of dwelling in the same country or locality, and the simple ties of blood or marriage. Those who inhabit a common country, are not, by this circumstance, entitled to be considered citizens; but those only who by virtue of a constitutional law, enjoy rights and authority, and legal protection; so that a state is the association of freemen and equals, who voluntarily come under a social system of government and justice.

To slaves, and those who follow sordid occupations,

in becoming freemen, Aristotle gives the name of imperfect citizens; and all such are rendered incapable of justice, or of enjoying political rights and privileges.

Theophrastus was the successor of Aristotle, and expounded his political, in conjunction with his other branches of philosophy. We are informed that he made a learned and valuable collection of laws, and appended it to Aristotle's treatises on governments and constitutions.* This collection is understood to embody nearly the same abstract views on the political principles of society, as those entertained by the great philosopher himself. From scattered and detached passages in the writings of commentators on Theophrastus, we find it asserted, that his political sentiments were sour, selfish, and low; considering man merely in the light of an ordinary animal, and throwing censure on the sacred institution of marriage, and the moral relations subsisting between parents and children. He seems to have dwelt with more keenness and zest on the follies and perversities of society, than on the virtues and duties of citizenship.

The followers of Theophrastus, in the political school of Aristotle, were Strato of Lampsacus, Lycon, Ariston of Ceos, Critolaus, and others. Though we are informed that the moral or ethical doctrines of the Stagyrte formed the chief topics of his critics and commentators for a long period after his death; yet we are not in possession of any of their political writings or speculations. All that can be advanced on this topic is mere surmise and conjecture.

Phocion, a distinguished peripatetic philosopher, entered enthusiastically into many political questions,

* Cicero. de Fin: 5, 4.

and was celebrated throughout Greece for his knowledge and patriotism. On the importance of nations adopting a liberal policy, and in cultivating a spirit of mutual good-will and unity among each other, he displays an enlightened mind, with great earnestness and eloquence of language. He maintains that all national conflicts necessarily entail great burdens on the people, and induce legislators to adopt the maxims of temporary expediency rather than a sound and comprehensive line of action. Such conflicts likewise engender the wicked and revengeful feelings of our nature, which are contrary to the best interests of mankind. His discourses or essays on this topic are vividly conceived, and beautifully expressed. In one place he says, "How could it be, that men who gave up their independence, and formed societies, because they perceived their need of one another, did not perceive that societies are under an equal necessity of succouring and loving each other; and did not immediately infer that it behoved them mutually to observe among themselves union and benevolence as the inhabitants of a town? How slow is reason in availing itself of experience, and shaking off the yoke of custom, prejudice, and passion."

Independent of the regular treatises and dissertations on political science and governments, we have just noticed, there were other Greek writings that exercised no small degree of influence over the public mind in reference to forms of civil polity. Political principles and sentiments were more or less embodied in much of the poetry, history, and oratorical displays of the Athenian people. These several kinds of literary productions are fully entitled to a passing notice.

The early poet Hesiod speaks in a fabulous strain of the origin of men and governments. "The first race of men," says he, "lived like gods in perfect happiness; exempt from labour, from old age, and from evil. The earth spontaneously supplied them with fruits in the greatest abundance. Dying at length without pain, they became happy and beneficent spirits, appointed by the divine wisdom to the royal function of superintending the future race of men, watching their good and evil ways." This is what he calls the *Golden age*, a term which has descended down to our own times. "The second race of men," he continues, "were like those of the golden age neither in nature nor moral conduct. They scarcely reached manhood in a hundred years; yet not less subjected to pain and folly, they died early. They were unceasing in violence and injustice towards one another, nor would they duly reverence the immortal Gods. Jupiter, therefore, chid this race in his anger, because they honoured not the blessed Gods of heaven."

In the poem "Theogony," he says, "The chief of the Muses attends upon Kings. That King whom the Muses honour, and on whose birth they have looked propitious, on his tongue they pour sweet dew. From his mouth words flow persuasive. All the people look upon him while, pointing out the law, he decides in righteous judgment. Firm in his eloquence, with deep penetration, he quickly determines even a violent controversy. For this is the office of wisdom in Kings; to repress outrage and injustice, administering equal rights to all the general assembly, and easily appeasing irritable minds with soothing words. When such a King walks through the city, eminent among

the assembled people, he is courted as a God, with affectionate reverence. Such is the sacred gift of the Muses to men; for poets and musicians are from Apollo and the Muses; but Kings are from Jupiter himself."

There is a considerable portion of political matter in Homer. He is a zealous advocate for royalty. "The honour of the King is from Jupiter, and the all-wise Jupiter loves him." "The government of many is bad; let there be one chief—one King." Here it is generally understood he speaks of the executive functions of a government; for he says afterwards; "Let there be one chief—one King, to whom Jupiter has intrusted the sceptre and the laws, *that by them, (the laws,) he may govern.*" Telemachus is represented as succeeding by inheritance to his father's estate; but the succession to the throne is spoken of as being open to competition. There is no mention made of republican forms of government. Still, however, the great principle, that all political authority arises from the people is recognised by him. "May the Gods grant you and your guests to live happily; and may you all transmit to your children your possessions in your houses, and whatsoever *honours the people hath given you.*"*

Solon, (B. C. 604) in his elegy of Salamis, gives expression to many political sentiments and opinions, connected with the then government of Athens. Being a legislator by study and social position, his patriotic sympathies were excited to a great pitch, and he presents us with many sad exhibitions of the civil condition of the people, whose lot he was so anxious to improve. "My feelings," says he, "prompt me to

* Odyp : l. 7.

declare to the Athenians how much mischief political injustice brings over the city, and that justice everywhere restores a perfect and harmonious order of things." "The misery of the people forces itself into every man's house; the doors of the court yard are no longer able to keep it out; it springs over the lofty wall, and finds out the wretch, even if he has fled into the most secret parts of his dwelling."

From the small portion of the writings of the Greek dramatists which has come down to us, it is evident that the political influence of the drama was by no means slight. The Greek tragedian, much more than his modern successors, was a teacher of religion, morals, and politics. He entered into all the prominent occurrences of the times, and portrayed their general bearings, on private and public feeling, with more or less dramatic point and energy. True, we must not expect to find in Greek plays, discussions on political economy, or even broad statements of political principles. Such sermonising was as foreign to the character of the drama, as it would have been intolerable to the versatile Athenians, whose object in going to the theatre was amusement only, and were as little disposed as any modern play-goers, to listen to long and formal essays on the stage. The only means, therefore, that the Greek dramatist had of influencing the political feelings of his countrymen was, by selecting some myth or historical fact for the groundwork of his play, as had an analogy to the peculiar topics or circumstances of the day, and might be readily made to bear directly upon them. Thus we find Euripides, in the *Troades*, recommending the Sicilian expedition of Alcibiades to the Athenians,

by recalling to their recollection a similar successful exploit in the heroic ages.

Æschylus was a bold and fiery spirit. His political bias is characterised by a fondness for Dorian institutions, and aristocratic influence and power. He adopted the politics of Aristides, and opposed Pericles in the *Eumenides*. In all his dramas there are many direct allusions to the public and political affairs of his time. The chief of these plays, are *Prometheus Chained*,—*The seven Chiefs against Thebes*,—*The Persians*,—and the trilogy, consisting of the tragedies of the *Agamemnon*, the *Choephoræ*, and the *Eumenides*, already mentioned. The maxims of Solon, on general government, often occur in his works.

Sophocles was a political partizan of Pericles; and we find many passages in his plays evidently written with a direct view of ingratiating himself with that Statesman. In the *Antigone* of the dramatist, he advises the Athenians to yield a ready and hearty obedience to the commands of Pericles. There is, however, in all his dramas a lofty and sublime spirit running through those passages in them which have a direct bearing on the great principles of political science. Virtue and justice, law and governments, seemed to him to be based on the great and imperishable truths of theology. He says, in one passage, "O for a spotless purity of action and of speech, according to those sublime laws of right, which had the eternal heavens for their birth-place, and God alone for their Author—which the decays of mortal nature cannot vary, nor time cover with oblivion; for the divinity is mighty within them, and waxes not old."*

* *Œdip: Tyrann* : v 882.

Euripides was an admirer of Alcibiades, and an approver of his general political opinions. As already mentioned, he wrote the *Troades*, and other dramas, to recommend the expedition of his patron to Sicily. Many profound remarks are to be found in his plays on matters connected with the general principles of government.

To the Greek comedian there was a much wider field open for ridicule and satire. But here again, abstract political teaching was impossible; and the only means which the dramatist had of condemning a bad principle was by exposing its consequences, and holding the person who advocated and supported it, up to ridicule and banter. It was thus that the ambitious schemes of universal dominion fostered by Alcibiades, and the war party, were exposed and laughed at by Aristophanes in his play of the *Birds*; where the Athenians are represented as the foolish birds that were induced by two ambitious and unprincipled schemers to make war against the Gods. The author was firmly and warmly attached to the democratic principle in Greece. He ridicules the political principles in Plato's republic, especially in regard to those plans propounded for the management of female citizens. Aristophanes in his *Plutus* dissuades the Athenians from their passionate and fashionable adoption of Spartan manners.

The *Archarneans*, is another of the political satires of Aristophanes. It contains many vivid delineations of Athenian parties, and has for its main object the persuading his countrymen to an amicable settlement of their differences with the Lacedæmonians, and the other States of Greece. The chorus abounds in the

most biting ridicule and sarcasm, and has also several passages breathing the most devoted and patriotic feelings. The factious disposition of the assemblies is dwelt upon with great force and humour, and the follies and vices of the "sovereign people," meet with no mercy nor compassion. The play of the "Knights" is directed against one of the Athenian generals and demagogues called Cleon, who had gained a great and undeserved ascendancy over the populace of Athens. Aristophanes succeeded in overturning his power, and covering him with ridicule and public contempt. And it is said, that so severe was this personal attack upon Cleon, that Callistratus, the favourite comedian of Aristophanes, declined personating the powerful demagogue on the grounds of dreading his deadly resentment; and that the author, in this dilemma appeared on the stage himself, and sustained the character with remarkable ease and spirit. In addition, however, to the attack on Cleon, the piece lashes the fickleness of the Athenian democracy generally with great severity. We shall give the following lines, from this play of the *Knights*, taken from the part of it complaining of the ingratitude and restlessness of the people, and of the unprincipled conduct of the demagogue Cleon. It is a translation from a periodical work of sterling character and reputation.

With reverence to your worships, 'tis our fate
To have a testy, cross-grain'd, bilious, sour
Old fellow for our master; one much given
To bean diet; somewhat hard of hearing.
Demus, his name, Sirs, of the parish Pnyx, here.
Some three weeks back or so, this lord of ours
Brought home a lusty slave from Paphlagonia,
Fresh from the tan-yard, tight and yare; and with

As nimble fingers, and as foul a mouth
As ever paid tribute to the gallows.
This tanner—Paphlagonia, (for the fellow
Wanted not penetration) bow'd and scrap'd,
And fawn'd, and wagg'd his ears and tail, dog-fashion ;
And thus soon slipp'd into the old man's graces.
Occasional douceurs of leather-parings,
With speeches to this tune, made all his own.
" Good Sir, the court is up—you've judg'd our cause—
'Tis time to take the bath—allow me Sir—
This cake is excellent—pray sup this broth—
This soup will not offend you, thro' crop full—
You love an obulus ; pray take these three—
Honour me, Sir, with your commands for supper."
Sad times, meanwhile, for us ! With prying looks,
Round comes my man of hides ; and he finds us
Cooking a little something for our master,
Incontinently lays his paws upon it,
And, modestly, in his own name presents it !
Then none but he, forsooth, must wait at table ;
(We dare not come in sight) but there he stands
At supper time, and, with a leathern fly-flap,
Whisks off the advocates ; anon, the knave
Falls to his oracles ; and, when he sees
The old man plunged in mysteries to the ears,
And scar'd from his few senses, marks his time,
And enters on his tricks. False accusations
Now come in troops ; and, at their heels, the whip.
Meanwhile, the rascal shuffles in amongst us,
And begs of one, browbeats another, cheats
A third, and frightens all. " My honest friends,
These cords cut deep, you find it—I say nothing—
Judge you between your purses and your backs.
I could, perhaps"—We take the gentle hint
And give him all ; if not, the old man's foot
Plays such a tune upon our hinder parts,
That flogging is a jest to't—a mere flea-bite.

The Comedy of the *Wasps* was designed to ridicule the fondness of the Athenians for litigation, and their practice of constantly attending the courts of law. The personal satire is chiefly directed against Laches, the Athenian general, who commanded the first expedition against Sicily, and had amassed great riches from the bribes of the enemy. The play called "*Peace*" is purely political, turning the entire plot on a desire for universal peace.

In the works of the ancient historians of Greece, we find a considerable mass of useful political knowledge, blended with the narrative of events, and the divers vicissitudes and fortunes of the most distinguished lawgivers and generals of the kingdom. The majority of these writers were men of profound thought, and philosophic acumen; and were, therefore, naturally led to pay more than usual attention to the causes of political revolutions, and social manners and customs. On this account almost all their writings may be advantageously consulted by those desirous of fully appreciating the general current of political philosophy in Greece, during the whole of her eventful history, and of ascertaining how deeply that philosophy was impregnated with the mythical and religious elements, so strikingly developed in all the national phases of the Grecian understanding.

Xenophon (B. C. 427) was a distinguished political writer. He is said by some historians to have composed forty books on the subject of legislation and government. His strictly political treatises are his *Economics*; the *Essay on Public Revenue*; *Hiero*, or *Monarchy*; and two *Discourses on the Athenian and Lacedæmonian States*; but the authenticity of the

two latter publications has been called in question by some modern critics.

His work on the Athenian Republic is a very brief one; embracing only ten folio pages. His *Hiero*, or *Monarchy*, contains only twenty pages of the same size. The *Economics* constitute the fifth book of his *Memorabilia*. The observations on the Lacedæmonian Republic, extends only to twenty-four folio pages.*

Xenophon appears to have been intimately acquainted with the laws, and general tone of the politics of Sparta; but his own notions as to the best model of a government, is that of a well regulated monarchy.

Xenophon's *Cyropædeia*, or institutions of Cyrus, is a kind of political romance, intending to render more simple the doctrines laid down by Socrates. The aim of the treatise is to show, that the practice of wisdom and virtue in the affairs of government, is the only and best security for their successful execution. From the agreeable and natural ease which pervades the work, many authors have taken it for a true history.

In the writings of Diogenes Laertius, many valuable and profound observations may be met with, bearing on the general maxims of State policy.

Polybius, the historian, makes many acute and profound observations on political science, as we find in the fragments we have of his writings. He maintains the universality of the principle of social confederation implanted in man, and that the great problem in the science of human intercourse is, to frame legislative measures in accordance with the fundamental principles of our nature. It has been remarked, that he seemed to have adopted many of the leading political

* Opera, Paris, 1635.

views of Archytas and Hippodamus. The notions of Polybius were quite of an eclectic character. In one place he says, "The majority of those philosophers who profess to reason on political matters, recognize three kinds of government, royalty, aristocracy, and democracy. But it appears to me a very fair question, whether they exhibit these political forms as the only ones in existence, or merely as the best that can be devised. In these points I humbly conceive them to have fallen into error. It is evident we should esteem that as the most excellent constitution, which is mixed, and composed of all the particular forms already mentioned. And here not every denomination of a single individual should be called royalty, but that only which is founded on a just obedience, and which is exercised rather by wisdom than by terror and compulsion. Nor should we believe that every oligarchy is necessarily an aristocracy, but that only which conducts to power, the justest and wisest men. For the same reason, we should not denominate as a democracy, a constitution in which the whole multitude is able to act as it pleases, but that only which maintains the ancient and familiar customs of worship towards God, gratitude towards parents, honour to old men, and obedience to the laws. Such is the assembly of men who, if swayed by the council of the majority, we should entitle a democracy."*

In Plutarch's *Lives* (who lived in the second century of the Christian era,) there is a great fund of political information, not only embodying matters of fact, in reference to the workings of particular

* Poly ; in *Fragmentis*.

forms of government, but likewise illustrations of abstract principles, and his own individual opinions on questions of moment. His notions seem to have been decidedly monarchical. He says, "If the privilege of choosing were granted us, we should not adopt any form but the monarchical." Again, "Nothing conduces more to the public security and peace, than that the commonwealth, should be subject to one Monarch."

In the treatise called the "Philosophy," of Plutarch, we have a more connected statement as to his views of political science. The "Instructions for the management of State affairs," contains a vast body of well digested thought on modes of government. This division of his subject consists of two parts; "Precepts of Policy," and "Apothemes of Kings, Princes, and Captains." They are both highly interesting. The author maintains generally, that tyranny of all kinds is to be avoided, as the greatest curse of mankind; the governors, and the people should take wise counsel in due time, on state affairs; that vice and immorality are highly detrimental to the growth, power, and happiness of states; that a spirit of mutual kindness, conciliation, and accommodation ought to be assiduously cultivated between rulers and people; and that education among all the various classes of citizens is a matter of paramount political importance.

The orations of Demosthenes we have already incidentally alluded to; but in addition to the two orations there mentioned, we are desirous of drawing the reader's attention to those "For the Liberty of the Rhodians," and "On the Classes."

In casting a glance over the Grecian political writings, as a whole, I think we may readily perceive

that there was less of the real speculative and mystical element embodied in them, than in other departments of philosophical inquiry. In moral, metaphysical, and theological disquisitions, we see a wider range given to the imagination, and constant efforts made to construct abstract and refined theories, in order to explain the varied phenomena appertaining to these respective divisions of human knowledge. In politics we have more of the practical than the systematic; more attention paid to what was, for the time, really expedient and necessary, than to the positive value and importance of general maxims or principles of national polity. The Grecian politicians seemed unwilling to trust themselves far out in the ocean of pure speculation, but rather to creep along the skirts of the coast, and be guided in their opinions and judgments by actual experience and matters of fact. Hence we find them continually appealing to the political institutions of various countries and cities; testing their general conclusions by practical examples more or less pointed and numerous. Pure theory touched upon political inquiries only at an oblique angle, and did not cast so dark a shadow over the labours of thinkers in the philosophy of citizenship, as in many other kindred subjects of mental speculation.

It is impossible to contemplate the political speculations of the Greeks, without feeling that they here, as in every other department of human knowledge, command our highest eulogy and admiration. There is nothing comparable to these speculations, in the history of any people, as being the pure offshoots or suggestions of unassisted reason and intelligence. Whether we examine the profound maxims on general

polity they developed, or consider them in the light of mere practical and party politicians, the character they assume, and the influence they have exercised over succeeding ages of action and thought, mark them out as a noble and highly intellectual people. Modern politicians, and historical writers, it is true, have entertained somewhat various and conflicting opinions as to the real value and character of Grecian writers on the abstract science of government; but none of these critics, distinguished as they really are, can deny the just claims of the political speculators of the Athenian republics, to be considered as energetic and correct thinkers in their day and generation. Their works, scanty and imperfect as they unfortunately are, will be read with interest and pleasure, so long as politics shall engross the attention of mankind.

It is interesting to have the opinion of such a distinguished man as Cicero, on the general character of the Grecian political writers; a man so deeply versed in the subject himself, and who lived but a few centuries from the ablest and best of the politicians of Greece. He says, "From the Platonic school the greatest light was cast over politics and laws. Afterwards, Aristotle illustrated all matters of civil jurisprudence in his elaborate essays, as did also Heraclites of Pontus, another of Plato's disciples. As for Theophrastus, who was instructed by Aristotle, he abounded, as you are aware, in disquisitions of this kind; and Dicoearchus, a disciple of the same master, was by no means deficient in jurisprudential science. After these, Demetrius Phalereus, drew legal learning by his admirable talents from the shades and seques-

trations of the schools, into the open daylight of civil life, and gave it a practical point and efficacy, which are of the greatest service in all critical emergencies and conflicts. This combination of legal theory and practice is the more valuable, since we often find that men distinguished in politics are deficient in philosophy, and those celebrated in philosophy, are remarkably ignorant in legal affairs."*

* De Legibus, lib. 3.

CHAPTER IV.

ON THE POLITICAL LITERATURE OF THE ROMANS, FROM THE EARLIEST TIMES, TO THE CHRISTIAN ERA.

THE Roman speculations on the principles of politics, did not partake so much of the mythical character, as those of Greece. The Romans being a bold and war-like people, their fetes lay more in action than speculation. They became first acquainted with the opinions of the Grecians on philosophy and legislation through the medium of the political relations subsisting between the two countries; and when the works of Plato and Aristotle became known, and particularly the latter through the instrumentality of Tyrannion and Andronicus of Rhodes, a greater extension and a more scientific character, were imparted to the current though scanty stock of Roman political knowledge.

It will be necessary here, as in the preceding chapter, to make a direct reference to the Roman government, previous to entering upon the literature of the country, as it existed for several centuries. The elements of which this government was composed, enter so largely, both as matters of fact and comparison, into modern treatises on political knowledge, that it would be manifestly impossible for a general

reader to form a correct opinion on the leading features of political literature, unless he is, in some measure, acquainted with them, or at least, with Roman institutions. The notice, however, which we shall give, shall be as brief as is consistent with clearness and utility; and we shall avoid all merely controversial questions of a historical and antiquarian cast.

It must be borne in mind, that the Roman government has furnished the elements of every political fabric in modern Europe, and many of its chief institutions are at this moment the only instruments which vast communities of people have to guarantee their civil rights, and municipal privileges. Besides, the Roman government having always been since its establishment in active operation, it has become identified with the abstract principles of political science in every age, and has been the great and common store-house from which political writers, of all grades of opinion, have drawn their materials for discussion and illustration.

History does not furnish us with many very well authenticated materials, relative to the early political constitution of ancient Rome. In all accounts of the primitive government of the Roman people, a good deal of the marvellous is incorporated; but what we shall state in the following pages will, we hope, be borne out by the general testimony of the most creditable writers on the subject.

We find that when Romulus founded the city of Rome, he inquired of his followers whether they would have a republican or a monarchical form of government; and after duly weighing the nature of both systems, they declared for the latter, and appointed him to be

their king. After instituting some little matters of personal ceremony, calculated to inspire his subjects with a proper and becoming degree of reverence for the kingly office, he divided the people into three distinct classes called *tribes*. Each tribe was divided into ten *curiæ*, or companies of one hundred, and these one hundred persons were again divided into tens, under the name of *decuriæ*. The *tribes*, *curiæ*, and *decuriæ* had each an officer or commander under the title of *Tribune*, *Centurio*, and *Decurio*.

The lands were divided into three parts, but not equally. One part was appropriated to religious purposes, another to the support of the kingly office, and the third or largest portion, was divided among thirty *curiæ*, which division gave to each person about two acres of ground.

In each curia, a priest was appointed under the title of *curio*, for the due performance of all the rites and ceremonies of heathen worship. Two of the principal inhabitants were also chosen out of each curia, to administer justice, who were stiled *duumviri*.

The whole of the citizens of Rome were, for legislative purposes, divided by Romulus into two distinct classes, who for subsequent ages retained the appellations given to them. The one class were the *patricians*, composed of what were considered the most eminent men for birth, virtue, and wisdom; and the other were called *plebeians*, and embraced the humbler and less worthy portion of the inhabitants.

The Roman Senate was composed of a hundred of the most distinguished patricians, elected by the *curiæ*. The king claimed the privilege of naming the first senator, and he was appointed to take charge of the

city whenever Romulus might be absent. Each tribe elected three more, and then the thirty curiæ elected three each, which made the number of one hundred senators. These public functionaries were held in the highest esteem by the Romans, who called them the fathers of their country. When the number of the senators was afterwards increased, those of the new creation were named *conscript fathers*; but in the course of time this designation became common to all the members of this assembly.

The Roman government was now composed of three distinct powers, the king, the senate, and the people. The legislative functions of each power were settled in nearly the following manner. The king made known the laws, and carried them into execution. He had the power to convene the senate, and the assemblies of the people; decided upon all important matters; was the head of the religion of the state; general of the army in time of war; and had charge of all the revenues of the exchequer. The powers of the senate were, to attend to the due observance of the laws; to take into deliberation all matters brought before them by the king; and to carry their decisions to the *Comitia*, or general assemblies of the people. The king as chief magistrate of the nation, had a seat in the senate, but he had no exclusive power, and was limited, like another senator, to one vote. The assemblies of the people had the power of proclaiming peace and war, the enacting of laws, and the creation of magistrates and priests; but to all these acts, the senate's approbation was necessary, before they could become invested with the force and authority of laws.

The mode of election was by *curiæ*, and each citizen. In each *curia*, the majority of votes decided the question at issue, and a majority of the thirty *curiæ* determined the resolution of the whole assembly.

All the higher offices of the state, civil, military, and clerical, were to be filled from the patrician order of the people. The plebeians were placed under the jurisdiction of peculiar magistrates, but those magistrates were themselves under the authority of the senate, who were considered as the principal guardians and protectors of all the laws of the state.

But as dissensions might arise from the clashing interests of these two orders of the citizens, the patrician, and plebeian, Romulus endeavoured to unite them as closely as possible by the ties of mutual duties and interests. The plebeian had the liberty to choose a protector out of the whole body of patricians, who was obliged to attend to his interests, by taking his defence; by giving him advice and credit; and promoting his views in every possible manner. In return for these services, the plebeian engaged to give his assistance to the patrician in the discharge of all his public duties, both civil and military; and, if necessity required, to contribute to his ransom, and the dowry of his daughters, and even to give his protector his vote, if canvassing for office. The protectors were called *patrons*, and the protected *clients*. The patron and the client could on no account appear in courts of justice to bear witness, or take part against each other. This political combination, historians affirm, was of great use in times of civil commotion, when the people were tempted to rebel against the authorities of the state.

The law of matrimony was honoured among the Romans, and the following were some of its leading principles. A man could only marry one woman. Property was common to both parties, but under the management of the husband. His consent was necessary before a divorce could be pronounced; but on the other hand, power was given to the husband to put away his wife, and even to go so far as to condemn her to death by a family counsel, if she were convicted of adultery, poison, or drinking wine to excess.

The laws between parent and child were marked with still greater severity. The father had an absolute power over his children. He could, of his own free-will, either imprison, or sell them three times for slaves, beat them with rods, and even deprive them of life, at any period of their age, or in whatever rank or situation in society they might be placed. The father was empowered to abandon any of his offspring that were born with bodily infirmities, provided he had them previously examined by five of his neighbours.

Romulus was at all times extremely anxious to inspire his people with religious sentiments and feelings, with a view of obtaining a cheerful obedience to his laws, and supporting his authority. He instituted various festivals in honour of the gods, built temples, erected altars, and appointed certain days for public worship, on which the people were obliged to suspend all kinds of employment.

Numa, the successor of Romulus, made but few alterations in the laws of the state, with the exception of those only which related to the rites and ceremonies of religion. Numa divided the lands, which Romulus

had gained in war, among the most indigent of the people; and established several boroughs and villages where labourers were encouraged in all the useful arts of life.

The Roman Senate was increased to the number of three hundred in the reign of Tarquin. To distinguish the new creation of Senators from the old, the former were called *patres minorum gentium*, and the latter, *patres majorum gentium*.

A very important measure relative to the manner of regulating the taxation of the state, was brought forward and accomplished by Servius. Before his time every citizen contributed to the public supplies at so much a head, and not in proportion to the property he possessed. This mode of levying the taxes of the state was found to be very oppressive to the poorer classes of persons. On the other hand the plebeians often opposed even the just and reasonable demands of the patricians, from the mere circumstance that they possessed always a decided majority in their own hands. Servius set immediately about the correction of these evils; and for this purpose he gave an additional degree of power to those persons in the state well known for their wealth and merit; while, at the same time, he curtailed the liberty of the poorer classes, but gave them, by way of compensation, an almost entire release from the burden of taxation, by placing an extra weight upon the upper ranks of life.

After settling some matters of arrangement, by increasing the number of tribes, to embrace those inhabitants who lived beyond the old boundaries of the city, he instituted the *census*. This law enjoined all

Roman citizens to furnish to the authorities of the state, upon oath, a correct account of the amount of their wealth, on pain of severe punishment, if they either neglected this duty, or made a false return. They were also to add to this, a statement in writing of their names, age, and profession, the name of the tribe to which they belonged, and the number of their children and slaves. This law enabled Servius to proportion the public burdens according to the wealth of the individual. This he did in the following manner. He divided the citizens fit to carry arms into six classes. Those of the first class were possessed of, at least, one hundred thousand *asses* or pounds of brass; those of the second, seventy-five thousand; those of the third, fifty-five thousand; those of the fourth, twenty-five thousand: and those of the fifth, twelve thousand five hundred. Those, whose riches did not amount to so much as the fifth class, were placed in the sixth, and called poor, or *protetarii*. The following scale, shows the value of these civil distinctions, according to the money of our times.

	<i>Asses.</i>	£	s.	d.
1st Class.....	100,000.....	322	18	4
2nd "	75,000.....	242	3	7
3rd "	50,000.....	161	9	2
4th "	25,000.....	80	14	7
5th "	12,500.....	43	7	3½
6th "	0 —.....	0	0	0

After this regulation was effected, taxes were not levied at so much per head, but by classes. The richest class of citizens paid more than one half of all the burdens of the state; the second so much less; and so on with the third, fourth, and fifth; but the sixth was exempted altogether.

These classes were also divided again into an unequal number of centuries, in the following manner :—

1st Class.....	98	Centuries.
2nd “	22	“
3rd “	20	“
4th “	22	“
5th “	30	“
6th “	1	“

Total—193 Centuries.

To each of these centuries an officer was attached called *centurio*.

These extensive political regulations were productive of very important consequences. By laying the burden of taxation principally upon the rich, the poor were generally benefited, but at the same time their voice and influence over public measures were vastly diminished. Yet upon the whole they tended to add a strength and popularity to the government which it did not previously enjoy.

The above statement contains a brief account of the principal Roman laws enacted during the Kingly government. Many of these legislative measures survived the wreck of ages; while others again were annulled during the changes and turmoil of political vicissitudes.

After the expulsion of Tarquin, the regal state was abolished, and a republican form of government instituted in its stead. Two *consuls* were annually appointed, with equal authority. They were to be invested with nearly the same powers and privileges as the Kings had possessed, and to exhibit all the ensigns of monarchical authority, with the exception

of the crown. The election of the consuls was effected principally through the influence of the patricians, who contrived matters so as to have the suffrages taken by centuries.

The two consuls, Valerius and Brutus, as soon as they had obtained possession of power, re-organized the Senate, whose constitution and efficiency had been considerably impaired in the latter years of the Kingly reign. On the death of Brutus, while Valerius commanded alone the whole resources of the state, he contrived to get a single law framed which altered, almost entirely, the original fabric of the government. Under the reign of the Kings, the *Plebiscitum*, or decrees of the people were considered as not entitled to become laws, until they had received the sanction of a *senatus consultum*; but by the new law of Valerius, an appeal to the people could be demanded against the decisions of all public magistrates, even including the decisions of the consuls themselves.

This law became a very important one, and in the course of a few years produced great changes in the general government of the state. The people having a positive veto on every act of the legislature, no measure could be brought forward, with any hope of success, without it coincided with their interest, or their narrow and circumscribed views of public utility. The power of the consuls itself was even set at nought; and the whole political machine was impeded in its movements. Under these critical circumstances, a proposition was made to elect a magistrate for a limited period, who should possess absolute power over every rank in society, and yet be himself amenable to no law. To this person the name of Dictator was

to be given. He was to be elected by the Senate, and the people were to have the privilege of sanctioning their choice. To guard as much as possible against a tremendous power like this being wielded to ambitious and dangerous purposes, it enacted that his election should only be for six months. After some little discussion, the people gave their sanction to this measure, without appearing to perceive the consequences to which it would lead.

The Senate determined that one of the Consuls should name his colleague to the office of Dictator. This having been done, he assumed his important functions. He had the power of life and death over all the people; there was no appeal from his decisions; nor was he in any way personally accountable for any measure which he might deem requisite for the due administration of his government. In fact, his power was boundless; capable, in good and disinterested hands, of being turned to beneficial purposes, but when set in motion by cruelty, and personal ambition, productive of the most disastrous effects upon public liberty and happiness.

The next alteration of any consequence in a political point of view, was the agrarian law, a measure which has been often discussed by writers on legislation. This law aimed at the equal division among all the people, of all the conquered lands, and even those which the patricians had long had in their possession. This strange measure was highly disapproved of by the Senate; but to evade its effects, and gain time, the Senators gave their consent to the distribution of the lands, on condition that no alien should have a share of them unless he had assisted at the conquest.

The Senate also ordered that two *decemviri* should be appointed to attend to the measurement of the lands, and determine what should be sold, what let into farms, and what given among the people.

In the consulships of L. Pinarius and P. Furius, the power of the patricians was considerably curtailed. It was enacted that the elections should no longer be made in assemblies by *Curiae*, but in assemblies by tribes. A law was also made which the patricians strenuously, but unsuccessfully opposed, that all affairs concerning the plebeians should be discussed in the same assemblies in tribes. These assemblies could be holden without the consent of the Senate, and the influence of the augurs; whereas the assembly by *Curiae*, were obliged to obtain their consent. The patricians having the principal share of power in religious matters, frequently exercised it so as to defeat the objects the assemblies by *Curiae* had in view, when they appeared to be opposed to their interests. This additional power given to the assemblies by tribes was therefore a very galling measure to the popular party in the state.

The jealousy and contention which arose between the two leading divisions of the people, the patrician and the plebeian, became every year more acrimonious and revengeful. The plebeians long looked with envy on the political power and influence exclusively enjoyed by their rivals; while the latter often exercised their authority in a manner the most oppressive, with the hope of repressing the discontents excited against them, and becoming, ultimately, complete masters of the entire resources of the nation. These two contending parties were brought into open

collision by the accidental circumstance of a Lady, the wife of an opulent plebeian having received an insult from her own sister, who happened to be the spouse of a patrician.

The husband of the injured female, C. Licinius Stoto, determined to be revenged on the patrician party, and, by the assistance and influence of his father-in-law, he canvassed for the office of Tribune, and obtained it. Having now got a little political influence, he proposed that one of the two consuls should always be chosen out of the plebeians, and for the purpose of more effectually enlisting the feelings of the people in this innovation, he coupled it with two popular measures relative to debtors, and the division of the conquered lands. The first of these popular suggestions proposed, that all interest was to be deducted from the principal in debts, and that this principal was to be liquidated in three years by three equal instalments. The other respecting the division of lands, embraced a proposition that no Roman citizen should have more than five hundred acres of land, and whatever he had more than this quantity was to be taken from him and distributed among those who had none.

The agitation of these questions created a great deal of political excitement in the city. The senate became alarmed, and tried every scheme in their power to thwart the proposed measures. They appointed a dictator named Camillus, who left no means untried, to counteract these popular movements; but all to no purpose. The tribution laws were enacted; and Lucius Sextius, a plebeian, was elected as consul, and clothed in the purple gown. Historians relate that this measure had a good effect in promoting harmony and concord in the state, for many years after.

Camillus, though disappointed in his expectations of preventing a plebeian consul, created two new state offices, the *proctorship*, and the *curell ædileship*. The former attended to the administration of justice when the consuls were absent or engaged in war; the latter was charged with the care of the temples, the games, spectacles, public places, markets and the preservation of the walls of the city.

From this period till the time of Augustus, the first Emperor, there was not much formal alteration in the laws of the Roman state. The military achievements, and unparalleled success, of this wonderful people, seem to have had the effect of drawing their attention from domestic government. The republican character of the nation became changed by the military despotism which gradually established itself. Many of the most valuable laws of the commonwealth, were from time to time undermined; but this was effected more by the inattention of the people, and the scenes of blood and rapine into which the rival aspirants to political power too often plunged, than by formal attacks upon the constitution of the state, by artful or tyrannical politicians.

Before entering upon the nature of the civil law of Rome, we shall present the reader with a short sketch of its history. We have seen by the preceding sections of this chapter, that at the foundation of Rome, by Romulus, the people were governed entirely by laws of his own dictation; but as these laws increased in number, he probably thought it more prudent, as well as just, to allow them to have some degree of influence over legislative measures. He divided them into thirty *curiæ*, which he called together to give their sanction to his enactments. This

practice continued for a considerable time, and was followed by the Roman kings. All these laws were collected by one *Sixtus Papirius*, from whence they attained the name of *jus Papirianum*. After Tarquin was expelled, and the republic established, the greater part of the ancient code of laws was entirely laid aside. From a perusal of the history of the Romans for many years after this time, it clearly appears that very great uncertainty prevailed as to the nature and extent of general laws; and the whole nation may be said to have lived from day to day, on a casual system of legal expediency. But at length the people became sensible of their want of some wholesome system of legislation; for they groaned from one end of the land to the other, under the tyrannical and undefined powers of the magistracy. These reasonable wishes were, however, opposed by the Patricians; but after a resolute opposition, the people's voice became triumphant; and it was determined that certain rules of government should be laid down, for protecting the liberty of the subject, and promoting the social happiness and welfare of the people.

A Decemvirate was chosen, composed entirely of Senators, and they applied themselves most zealously to the undertaking. At their head was *Appius Claudius*. An exile from Ephesus, named *Hermodorus*, explained the laws brought from Athens, which were amalgamated with the Roman code. After their labours were completed, they laid before the people ten tables, requesting them to examine them most carefully, and to point out such alteration as they thought necessary. When this was done, these tables were again submitted to the Senators, who examined

them minutely, and sanctioned them by a plurality of votes. Thus completed, the TEN TABLES were, in the year of Rome 304, submitted to the judgment of the people, and obtained their enthusiastic approbation.

These Ten Tables were, however, found to be defective; and when a new Decemvirate was appointed, consisting of seven patricians, and three plebeians, other two tables were added to the ten, and this body of law was distinguished by way of eminence as the *Twelve Tables*. But though the principle of justice on which many of these legal provisions were founded, was apparent enough, and the people entertained for them the highest respect; yet the extreme simplification of the abstract principles of right and wrong, became a fruitful source of ambiguity and contention. Disputes were perpetually arising where the judgment given on such comprehensive rules did not meet the justice of the case. These Twelve Tables had, therefore, to be continually subjected to additions, revisions, and explanations, and these were commonly effected either by a new law, senatorial decree, or a plebiscite. A general law could only be framed by the senate and confirmed by the people; a senatorial decree might be made by themselves; and a plebiscite, was a rule adopted by the plebeians, without the consent of the senate, and possessed all the force of a law. But besides these measures for elucidating the Twelve Tables, recourse was had to the interpretations and decisions of the learned, which received the names of *actoritas prudentum*, and *jus civile*. These in many cases were so generally acknowledged, that they carried with them all the force and sanction of special legal enactments.

Soon after the establishment of the Twelve Tables, the learned interpreters of the law composed certain solemn forms, called *actions of law*, by which the process of all courts, and several other acts, as adoption, emancipation, &c., were regulated. These forms were, for more than a century, sedulously kept from the people, and confined alone to the Priests and Magistrates. But in the year B.C. 448, they were collected together by Flavius a scribe, and were designated the *Flavian Law*. This collection of these forms was found defective, and another was afterwards made and published by *Sextus Ælius*, which took his name, and were called *Jus Ælium*.

But the internal condition of the Romans was so deeply affected by their wars with other nations, that there was a great and constant fluctuation in all their legal enactments. Hence it was that another kind of law sprung up among them besides their Twelve Tables, namely, the *prætorian edicts*. Some of these edicts perished with the office from which they originated; yet many of them were found to be of such a wise and beneficial description, that they became invested with all the sacredness of the common law.

During the many political vicissitudes of the commonwealth, the science of law was cultivated with variable ardour and success. At one time civilians attended the former, and freely imparted the instructions to the humblest of the people. The duties of social life, and incidents of judicial proceedings were the usual subjects of their consultations, in these familiar interchanges of opinion and sentiment. At another period we find the science of jurisprudence quite an exclusive one, and cultivated

only by those who made it a stepping stone to honour and renown. It was studied by some of the leading names that shine in the annals of Roman history. It became a regular system, schools were established, books composed, and every means taken to dignify and ennoble this truly useful department of human knowledge. It is related of Labeo, who flourished in the Augustan Age, that he drew up himself four hundred volumes on law and legislation.

There are but few remains now extant of the Twelve Tables, which formed the principal body of Roman law till the time of Augustus. They were held in the greatest possible degree of reverence by the Romans; and were committed to the memory of the young, and the contemplation of the old. Their study is recommended by Cicero, as both delightful and instructive. "They amuse the mind," says he, "by the remembrance of old words, and portraits of ancient manners; they inculcate the soundest principles of government and morals; and I am not afraid to affirm that the brief composition of the decemviri surpasses in genuine value the libraries of Grecian philosophy. How admirable is the wisdom of our ancestors! We alone are the masters of civil prudence; and our superiority is the more conspicuous, if we deign to cast our eyes on the rude and almost ridiculous jurisprudence of Draco, Solon, and Lycurgus."

There are nine crimes of very different complexion, mentioned in the Roman law, to which the punishment of death is awarded. 1st. Any act of Treason against the State, or the carrying on of any private correspondence with a public enemy. The punishment for this

crime, was executed in the most painful and degrading manner. The head of the culprit was shrouded in a veil, his hands were pinioned behind his back, and after having been submitted to the scourge of the lictor, he was hung up in the midst of the forum on a cross. 2nd. Meeting at night in the City. 3rd. The Murder of a Citizen. 4th. The Malice of an Incendiary; the prisoner was whipped, and delivered to the flames himself. 5th. Judicial Perjury; the false witness was thrown headlong from the Tarpeian Rock. 6th. The Corruption of a Judge, who accepted bribes to pronounce an iniquitous sentence. 7th. Libels and Satires; the author was beaten with clubs, but whether unto death, has been a matter of uncertainty. 8th. Damaging or Destroying a Neighbour's Corn by night; the culprit was suspended as a grateful victim to Ceres. 9th. Magical Incantations, which had the power, in the opinion of the Latin Shepherds, to impair the power of an enemy, or to extinguish his life.

The law of the Twelve Tables against insolvent debtors has been often a subject of severe animadversion. The literal legal declaration on this subject is mentioned by Hook in his Roman history, to be as follows, "If a debtor be insolvent to several creditors, let his body be cut in pieces on the third market day. It may be cut into more or fewer pieces with impunity; or if his creditors consent to it, let him be sold to foreigners beyond the Tiber." After the judicial proof or confession of a debt, thirty days were allowed before a Roman could be delivered into the power of his fellow-citizens. In his prison twelve ounces of rice were his daily food; he might be

bound with a chain of fifteen pounds weight; and he was thrice exposed in the market-place to excite the compassion and sympathy of his friends and neighbours. At the expiration of sixty days the debt was discharged either by his slavery or death, as already mentioned.

Nothing can now be gathered from the Twelve Tables, as to within what degrees of consanguinity marriage was allowed. Ulpian maintains that marriage, in the early times of Roman history, was prohibited between parties as far as the fourth degree of kindred, which of course excluded that of first cousins. The prohibition of marriage between the patrician and the plebeian classes was abolished within six years after its enactment by the decemviri. There is one law remaining in the Twelve Tables respecting marriage, which declares a woman married of right, who had remained in the house of her husband a whole twelve months, without absence for three nights during this period.

In the Roman law marriage was of a two-fold nature; the *justæ nuptiæ*, and the *injusæ*. The former was of three kinds. 1st. That the consent of the parents had been obtained, and the eating of bread and flour together; the gift to the damsel of a golden ring by a senator or patrician, and an iron one by a plebeian, with a kiss of ratification; this made the ceremony binding. 2nd. That by coemption; where by the payment of three pieces of copper money, the wife obtained a right of heirship to the husband's succession. 3rd. A woman became a wife by usurpation, which properly constituted her a *Roman Matron*. Those who were married according to the two former

forms were considered as the most honourable, and termed *matres familias*; and widows were entitled to an equal share of their husband's property.

The *injustæ nuptiæ* was of a two-fold nature; *injustæ legitimæ*, and *injustæ et illegitimæ*; both were the marriage of concubines; the one of a slave, the other of a free-born Roman woman. Both these kinds of marriage, were rendered legal by a law of Numa; but after the appointment of decemviri, no free-born woman of Rome could enter into any but an honourable marriage.

With respect to the power of making wills, the law was, that all who were not under the authority of a father might make a testamentary instrument. Numa made one exception to this rule, in the case of a vestal, who had the privilege to make a will even in her father's life-time. Females, whose fathers were dead, might, when at twelve years' of age, make a will, with the consent of their guardians. The Twelve Tables gave the father the right to dispose of all his property in whatever manner he thought fit. There were three kinds of wills; one partook of the nature of a regular contract; one was effected by calling the people together by a herald in time of peace; and the other was made in the field of battle. The trust reposed in a will was always considered a most sacred one; an unfaithful guardian might be prosecuted by any member of the community, and if found guilty of deceit, fraud or circumvention, he was declared infamous, and the secreting of the effects of his ward was considered as theft, and punished by restitution of double the value.

The descent of property belonging to persons intestate

was of a tortuous and intricate kind. Persons were called *Heirs* who were in the power of the intestate individual at the time of his death, except slaves who were not entitled to become heirs. Sons, daughters, and the widow of the deceased, were entitled to equal shares of his property; but if any of his sons had been emancipated, or died during his lifetime without having been emancipated, and leaving children born previous to such emancipation or death, then these children, with their mother, divided share and share alike, that portion of property to which their parent would have been entitled to, had he survived the death of these children's grandfather, or which they would have been entitled to if such parent had not been emancipated. Females who had married before their parent's death, were considered in law as placed beyond the power of such parent; and therefore, could not claim any of his property by succession. If a man died intestate, leaving no children, then his brothers and unmarried sisters, by the same father, claimed the inheritance, and divided it among them in equal portions; but if such an intestate left no brothers or unmarried sisters, then his property descended to his nearest relations by his father's side, and was portioned out among them share and share alike. If, for example, a man died without a will, and left a brother, and nephews, the children of a deceased brother, then the brother alive at the time of the intestate's decease, took the whole of the property, to the entire exclusion of the nephews, for this reason, because he was the nearest of kin; and the same effect took place with an unmarried sister. If a man left nephews by a sister, and nephews by a brother, the latter, in this

case, excluded the former, and took the whole inheritance, because it could not descend through a female. For a like reason, a son could not succeed to his mother's property by descent, for if she died without a will, her paternal kindred, as has been already mentioned, took the estate; neither could a mother take any in the succession of her son. When a freedman died intestate, and he had no children, his property devolved on the patron, and to his issue, no matter whether male or female. In consequence of this enactment a son manumitted, could not succeed to his father's property; yet the father could claim the son's estate should he die without a will. Vestals could neither be, nor have heirs; and in case of their dying intestate, their inheritance devolved to the state. All property by descent was to be claimed by children and kindred within a year, from the time of notice of the succession opened; and by all other persons within a hundred days; in default of the observance of these rules, the paternal relations took possession of the estate. When the heirs of any property wished to divide it, three arbitrators were appointed by the prætor, to carry this object into execution. Each party got his share, and became immediately owner of it; but the heirs were only answerable for the debts of the deceased in proportion to the amount of property received from his estate; and the legatees were exonerated from the debts.

On the subject of contracts, it is said that Servius Jullius enacted no less than fifty laws. Only one of these is now left; but it may be considered, from its comprehensive and important nature, as forming the foundation of all the rest. "Let good faith be the

basis of all contracts, and let none violate that faith." The Twelve Tables rendered every parole agreement binding; and a penalty was enforced upon those who refused to fulfil their engagements, of double the amount of the contract. If an article was confided to a person, and he fraudulently pretended loss or damage to that article, then he was adjudged to pay double its value.

The Twelve Tables regulated the interest of money. They allowed one per cent. per month, or twelve per cent. per annum. This was exorbitant, and was productive of a multitude of evils in the state. The interest was, however, subsequently reduced, and at one time entirely abolished; but this abolition did not extend beyond the precincts of Rome, and the law was evaded by the usurer placing his bond in the hands of a Latin ally, who was not bound by these *plebiscita*. Another law was enacted to remedy this abuse, by extending the abolition to the Latin allies also; but a practice was fallen on, since common in latter times, of adding the interest to the debt, and thus in some measure the regulations for the interest of money were rendered nugatory. After the successful wars of the Romans had introduced riches and luxury from the East into their states, the youth of Rome became extravagant and debauched; and to administer immediately to their indulgences, the rate of sixty per cent. was sometimes allowed on post obit bonds. It is said that at the time of Vespasian, the young men in Rome had completely anticipated the whole of their Father's possessions by means of these bonds; and that seeing the disastrous consequences to which such acts would necessarily lead, he declared, after one *senatus consultum*,

that such bonds were illegal, and consequently swept the whole of this species of debt away.

The right of obtaining things by prescription, was acquired by one years' possession of movable, and two years' of immovable property; but no time could confer this right upon a stranger, against a free citizen of Rome. An article stolen could never become a thing of right, but to the owner; for the law expressly declared that nothing could be claimed as a right which had not been paid for. When an action was brought against a person for the recovery of property unlawfully obtained, the prætor nominated three arbitrators to investigate the matter; and if the present possessor had no claim, he was condemned to pay double the profits he had taken. But in all actions of this kind the general presumption was in favour of the actual possessor; but where claims involved the question of the liberty or slavery of parties, then the presumption was on the other side, and in favour of the person claiming his freedom.

The crime of theft was considered in a two-fold light, as an injury to private persons, and an injury to the public. The satisfaction given to the person privately injured, was of a private nature; that to the public, of a public nature. The criminal was scourged and delivered over to slavery to the person from whom he had stolen; but if the criminal were in slavery when he committed the act, he was doomed to be thrown from the Tarpeian rock. Privately, stealing was only punished by the thief paying double the amount of the article stolen.

Plutarch, in his life of Numa records a singular institution by that King. For the purpose of uniting

the confused mass of people in Rome, and estranging them from a military life, he gave every encouragement to domestic industry, and parcelled out the conquered lands to the inhabitants, classing the various artificers into their respective trades, assigning unto each body a hall, courts, and certain religious ceremonies. What was the exact nature of these courts it is now impossible to say; but their respective customs in their trades, and their mode of conducting them, were regulated among themselves. The decemviri, with a view to their protection, enacted that whatever rules they made among themselves, should be binding upon them so far as they in nothing derogated from, or contradicted the public law. In after times we find these colleges of trade, differing in nothing from our corporate bodies; they could have common property; had a common chest and a manager or master; could manumit slaves, accept a legacy; and do every other act of a modern company. From these colleges, formed in towns, as some of them must have been for the purposes of trade, coupled with the separate laws and jurisdiction in cities, allowed to the Romans by their subsequent conquerors, the Goths, Franks, &c., we may clearly deduce the origin of our own corporate bodies, and the municipal magistracy and government of the towns upon the continent. However, in the state of Rome at the time of Numa and the decemviri, it may be contended that the legislature had no further view than to protect the little rules which artificers must always have among themselves, and which, being too minute for the interference of legislation, were wisely left to be governed by those whom alone they could affect.

We have here given the reader a general outline of the substance of the celebrated Twelve Tables of the Roman law, on which all the subsequent civil enactments were grafted. These became in the course of time so numerous as almost entirely to overshadow and hide from view the parent stock. Livy, in the days of Augustus, complained of the voluminous and burdensome code of laws under which the republic had for so many centuries groaned.

We have seen in the preceding pages, that the form of government in the Roman states was originally monarchical, but subject to considerable limitations by the senate; and the supreme power was at one time elective, and at another hereditary. From the foundation of Rome, till the expulsion of Tarquin the Proud, the Romans appear to have been only a few degrees removed above mere barbarians, and their government to be a rude assemblage of contradictory principles and usages. Rome was a city of soldiers rather than of citizens; an immense military barracks full of men ready, at a moment's warning, to enter upon any enterprise, however perilous, unjust, or cruel. When the consulate government was instituted it was found not to work well. The power of the consuls, the senate, and the patricians on the one hand, assumed the appearance of an odious oligarchical combination; while the plebeians, ever restless, and vastly susceptible of delusion, always viewed with great jealousy the possessors of political power, and were apt, on the slightest accession, to run into the wildest democratic excesses. Roman histories teem with accounts of the disastrous disputes and commotions between these two rival orders of the state. The machine of govern-

ment was never happily balanced, and the great body of the people were always the principal sufferers, in these internal contentions for political ascendancy. The Roman legislators were in a great measure ignorant of that important and healing political principle—the balance of power; which, while it limits, effectually secures individual liberty, and upholds the permanency of the most valuable civil institutions.

Some writers have eulogised, in a high tone, the Roman republican form of government; but in all its various aspects, we see it labouring under a radical imperfection. When state affairs were brought into critical emergencies, there was no managing power at the head of the nation; and the consequence of this was that the senate, under such circumstances, was obliged to invest some influential person with a supreme command over all the resources of the country. In some cases, particularly in the earlier times of the commonwealth, we find this power wisely and disinterestedly exercised; but it too often operated as a powerful incentive to private ambition and tyranny; and the liberties of the people were frequently trampled under foot by the irresponsible and absolute powers of the dictators.

The most interesting question connected with the consideration of the Roman government and laws is;—in what manner did they exercise their influence over the great body of the people? We find in Roman histories full and particular accounts as to battles, civil commotions, and political rivalships; but in what way, and in what degree the personal happiness and liberty of the people at large were affected by public measures, we are left with a very scanty portion of in-

formation. It is only from incidental hints, and casual observations, that we can see beyond the glare of martial achievements, and public victories. The historians of Rome had no taste for the common materials of every day life ; they could never trace the effects of political enactments upon the wide surface of society ; but the heroic in warfare, and stoical in virtue, were the only two objects which guided their pens.

But notwithstanding the paucity of any thing like systematic information as to the actual influence of public measures upon the habits of the people, we may yet gather sufficient materials to substantiate the conclusion, that that influence was not of a very gentle and beneficent cast. The internal fabric of the Roman commonwealth, presented objects of a singularly revolting and heinous description. The cruel and barbarous manner in which the Romans treated their slaves and women ; the ferocity of character manifested over fallen and conquered nations ; the want of principle and gratitude towards men who had stood forward as the saviours of their country in times of great perils and dangers ; all go to prove that the moral powers of this wonderful nation were not of a truly refined and elevated kind. We hear indeed of what commonly goes under the denomination of heroic virtue, and an ardent desire to promote the public weal at the expense of private feelings ; in the examples of Brutus publicly condemning his two sons ; in the murder of Horatius by his sister ; in Tarquitus passing sentence of death upon his own child ; and in the assassination of Virginia by her father. But these, and similar sacrifices of private feeling for real or imaginary national benefits, we may safely attribute to moral

phrensy, which is as different from a truly noble and elevated moral feeling, as the actions of a madman are from those of a prudent and discreet person. Such Roman examples of public virtue may dazzle and allure the ignorant and unthinking multitude; but they can never become a general theme of exultation among the really wise or good of any country. And it may with justice be remarked, besides, that in the Roman character, there was very little of that kindliness of human feeling; that delicate sympathy for the wants and woes of others, which knits the heart of man to man, and which exercises such a powerful, though indirect, influence in making the social situation of mankind comparatively comfortable and pleasant, even where the laws, abstractedly considered, may be of a rugged and oppressive nature.

Human life was considered by a Roman as an object entirely destitute of interest. Hence we need not feel surprised that suicide should be found so prevalent among this people, and that it should be considered by them as a proof of superior courage and valour. All the civil institutions of the country tended to strengthen this delusive and bloody notion. The laws affecting children and slaves breathed the very spirit of domestic oppression; while at the same time, the austere speculative system of stoicism, early imported by this nation from Greece, added greatly to the natural ferocity and cruelty of the Roman disposition.

Women were considered in the Roman states as merely slaves; not as beings to humanize the temper, and smooth down the natural asperities of life, but exclusively created for the gratification of sensual appetite. But they were not so closely confined from

public view as among the Grecians. The Oppian law, however, restricted the women from riding in open carriages, and adorning themselves in certain articles of dress. Romulus and Numa invested the husband with the same unrestricted and absolute power over his wife as over his children; with these exceptions, that he could not sell her as a slave, and she possessed by virtue of her matrimonial union the nominal rights of a Roman citizen. If she had no children, she was his heir; if she had a family, she was considered as her husband's sister, and shared equally with the children. Dionysius Halicarnassus affirms that a woman could be put to death, not only for adultery, but for excess in wine. The consequences of all these brutal and inhuman enactments and usages were, that all the finer feelings of the female breast were obliterated; and that intrigue, perfidy, and dissimulation, were the prominent features in the character of the fair sex.

The laws relative to divorce must have proved a fruitful source of social bickerings and misery. Though in the early part of the history of Rome nuptial separation was scarcely known; yet, for many centuries before the time of Augustus, it became very prevalent; and was productive of the most demoralizing effects upon the heart and affections of the people. Gibbon, speaking of the facility with which the marriage contract might be dissolved, observes, "The warmest applause has been lavished on the virtue of the Romans, who abstained from the exercise of this tempting privilege above five hundred years; but the same fact evinces the unequal terms of a connection, in which the slave was unable to renounce her tyrant, and the tyrant was unwilling to relinquish his slave.

When the Roman matrons became the equal and voluntary companions of their lords, a new jurisprudence was introduced; and marriage, like other partnerships, might be dissolved by the abdication of one of the associates. In three centuries of prosperity and corruption, this principle was enlarged to frequent practice and pernicious abuse. Passions, interest, or caprice, suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connexions was degraded to a transient society of profit, or pleasure. According to various conditions of life, both sexes alternately felt the disgrace and injury; an inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious, progeny to the parental authority and care of her late husband; a beautiful virgin might be dismissed to the world, old, indigent, and friendless; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks, that the prevailing institutions were least favourable to the males. A specious theory is confuted by this free and perfect experiment, which demonstrates, that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence, and inflame every trifling dispute; the minute difference between a husband and a stranger, which might so easily be removed, might still more easily be forgotten; and the matron, who can in five years submit to the embraces of eight husbands, must cease to reverence the chastity of her own person."

The public amusements of the Romans were sing-

ularly characteristic of the sternness and savageness of their tempers. They could behold with ecstasy their fellow creatures destroyed by wild beasts, or fall victims in mutual combat. We likewise witness the senators and patricians, themselves, not content with viewing such brutal and highly demoralizing exhibitions, enter the arena, eager to obtain renown even from such heart-sickening sports and pastimes. It is related of Domitian, that perceiving that a scenic representation of a man dying on the cross was a great favourite with the populace, actually caused a real criminal to be crucified on the stage, and in that state torn in pieces by wild beasts !

The chief political writer among the Romans is Cicero, and his principal speculations on the science of government are contained in his two works, *De Legibus*, and *De Republica*. The last of these writings has made its appearance in Europe only within the last thirty years, through the instrumentality of M. Maio, the librarian of the Vatican at Rome. It purports to be a fragment of the treatise in six books, written by the great orator in Asia Minor, when in the fifty fourth year of his age. Of these six books, little more than two, and these in a somewhat mutilated state, have now been presented to us. The work was discovered by the industrious research of M. Maio, written on a fragment of Palimpsest, on which the commentaries of St. Augustine on the Psalms had been transcribed. The greater portion of the Palimpsest perished, and with it nearly the whole of the remaining four books, which, together with the fragment now in the hands of the public, constituted the long lost work of this remarkable man, *De Republica*.

The treatise contains a series of discussions, in six books, on the origin and principles of government. It is written in the form of a dialogue; and the chief speaker is Scipio, while at the same time, Lælius, Philus, and Manilius, with others take a share in the conversation.

M. Maio, in his preface to the *De Republica*, gives a pretty full account of the high estimation in which the work was held by antiquity. It appears it must have been very widely circulated. Suetonius eulogises the political works of Cicero in a distinct book. They are likewise cited by Seneca, by the elder Pliny, Fronto, Gellius, Macrobius, Eulogius, Servius, Philargyrius, Juvenal the Scholiast, Lampridius, Nonius, Charisius, Diomedon, Victorinus, Nectarius, Jerome, Ambrosius, Boetius, Isidore, Prician, and especially by Lanctantius, and St. Augustine. M. Maio conceives that Cicero's *de Republica* suggested to Augustine the conception of his great work, *de Civitate Dei*. That Livy read the political speculations of Cicero cannot be doubted; and the same is surmised of Dion Cassius, Arnobius, Amianus, Marcellinus, Apuleius, Cyprian, Tertullian, Aurelius, Victor Ampelius, and many others. Cicero's politics were partially known among the latter Greek philosophers. Quintilian likewise notices them.

After the seventh century, no one seems to have noticed the Republic, till we come to Pope Silvester II., in the year 999. He was a man of great talents, and enthusiastic in his pursuit of literature and science. In his 87th Epistle, he requests Constantine, the school-man, to visit him; and adds the remark, "Take care of yourself, and also of the writings of Cicero on the

Commonwealth, those against Veres, and others, which the father of Roman eloquence wrote in defence of so many of his countrymen." It would appear from this passage in the Epistles of Silvester, that the treatise on the Republic must have been extant at this time. Two centuries later, John of Salisbury gives in his *Sasesberian*, a quotation from the work, which is not in M. Maio's edition. Péter of Blois likewise states that he had read Cicero's Commonwealth. From this time to the discovery of the MS. of the Republic by M. Maio, there are only here and there in the history of general literature, incidental remarks as to the probable existence of any copies of this invaluable relic of the great Roman orator.

It is interesting to read the few observations Cicero himself has left us, respecting the composition of this remarkable work. He tells us he commenced the dissertation in his fifty-second year, and that he prepared himself for it, by studying the laws and antiquities of the Roman state, from the works in the library of Varro, the friend of Atticus. He determined to give the production the form of a dialogue, in which Scipio, Æmilianus, and Lælius were to be the principal speakers. After mentioning some other matters, Cicero remarks, "May I be able to accomplish it; for I have undertaken a very important and difficult task, and one which demands a great deal of leisure—the very thing I am so much in need of."

He fixes his residence at Cuma, and sets himself fairly to his task, but the onerous nature of it seems to have haunted him for some time. "But," says he, "if I succeed in making what I wish, it will be labour well spent; if not I shall throw it into the sea, which

is under my eye while I write it, and I shall commence something else, for I cannot remain idle."

In another letter of Cicero to Quintus, dated, B.C. 53, he appears to have been then entirely engrossed with the Republic, and to have made considerable progress in its execution. "You ask me," says Cicero, "how I am getting on with the work which I undertook to write during my stay at Cuma. I have not relinquished it, nor do I mean to do so; but I have more than once changed my whole plan of composition, and the arrangement of my ideas. I have finished two books, in which, assuming for my epoch the nine days of feasts under the Consulate of Tuditanus and Aquilius, I introduce a dialogue between Scipio Africanus, Lælius, Philus, Manilius, Tubero, Fannius, and Scævola, sons-in-law of Lælius. The conversation is altogether respecting the best form of government, and the characteristics of the true citizen, being divided into nine days and nine chapters. The construction of the work advanced propitiously, and the dignity of the personages lent weight to the discourse. But when I read these two first books at Tusculum, in the presence of Sallust, he told me it was possible to give the style still greater authority, if I spoke in my own person, not being a Heraclitus of Pontus, but a consul, and a man who had taken part in the general affairs of state; that all I attributed to personages so ancient would appear fictitious; that in my own book, in which I had discussed the art of oratory, if I had with a good grace avoided introducing in *propria personâ* any rhetorical illustrations, I had just put them into the mouths of gentlemen, I might at least have seen; and finally, that Aristotle himself, in all he has written on govern-

ment, and on the qualities of a great man, speaks in his own name. This remark struck me the more forcibly, because, by my own plan, I had barred myself from discussing the greatest events of our country, since they came of a much later date than the ages of my personages. In truth, this was the very thing I wished from the first to avoid, lest in describing our times, I should offend our contemporaries. I desire to escape altogether this danger, and to adopt the form of a dialogue with you. However, if I come to Rome, I will send you what I first wrote; for you may well conceive that I cannot abandon those first books without some annoyance."

In the first book of the *De Republica*, Cicero enters into the question, as to the origin of society; and then discusses the respective merits of what he considers as three elementary forms of government;—Monarchy, Aristocracy, and Democracy. With respect to the first subject—the origin of society—he seems to have entertained the opinion, that communities of men arise from the powerful principle of social feeling implanted in human nature, which irresistibly, without any previous reasoning on the question, draws men into the bonds of brotherhood and unity. The author denies that the cause of the formation of societies springs from any inherent weakness or corruption of human nature;—an opinion entertained by many of the Greek politicians, but maintained that it consisted in "*ejus antem primā causa ideundi est nōttam imbecilitas quam naturalis quædam hominum quasi congregatio.*"* From the term *naturalis congregatio* we suppose Cicero means that there is a union arising from the circum-

* Lib. 1, c.

stances in which men are placed; and that society is the natural result of the fraternal principles implanted in every man's bosom.

The illustrious author does not, however, keep to this theory, but advances another. In his definition of a Commonwealth, he seems inclined to rest the origin of social institutions on the principle of utility. He says, "*Est igitur inquit Africanus res publica res populi; populus autem non omnis hominum cretus multitudines juris consensû, et utilitatis communione sociatus.*" Here the Roman orator is again unstable in his creed; for in a few pages further on, we find him dissenting from this principle of utility, and adopting the old doctrine, that we derive our notions of what is politically right and wrong, from certain intuitive and abstract conceptions of beauty and fitness.

This unsteadiness was one of the leading peculiarities of Cicero's mind; and the parent alike of both his intellectual failures, and his excellencies as a philosophical politician. He seems to have been incapable of long continued and consecutive thought, of working out, with logical steadiness and aim, a complicated problem in human nature. His mind was not of the Grecian texture, nor framed after the lofty speculative models of Greece. He lacked abstract invention and enterprize; and his mind displayed all its innate power and acuteness only in following the suggestive hints and instructions of others. But then he was endowed with a large portion of sound common sense; and a most remarkable aptness and readiness in making the opinions of others both intelligible and interesting, either on grave, or light subjects. His knowledge of the several schools of philosophy of

Greece was both profound and extensive; but still he wanted the higher power of moulding his ideas of them into original forms, or of imparting to them a unity of arrangement and design. Whatever touches on the immediate purposes of life, he handles and portrays in the most masterly manner; and he does this chiefly because his want of the more elevated speculative originality, so fully and strikingly developed in the higher class of Grecian thinkers, preserved him from running into mystical and unfruitful trains of thought.

Cicero had a strong eclectic bias, which he evinces in his discussions in his first book on the respective merits of the three forms of government, namely;—Monarchy, Aristocracy, and Democracy. After remarking that authority must rest somewhere, he says, “When the direction of all depends on one monarch, we denominate this person a king, and this form of political government, a kingdom, or a monarchy. When it is in the power of privileged delegates, the state is said to be ruled by an aristocracy; and when the people are all in all, men call it a democracy or popular constitution. If the tie of social affection, which originally united individuals into political associations for the sake of public interest, maintains its force, each of these forms of government is, I will not say perfect, nor, in my opinion, essentially good—but tolerable and susceptible of preference. For whether it be a just and wise king, or a selection of the most eminent citizens, or even the mixed populace, (though this is the least commendable,) either may,—saving the interference of crime and cupidity—form a constitution sufficiently secure.”

Cicero goes on to state that, in a monarchy the

people are kept at too great a distance from counsel and jurisdiction; in an aristocratic assemblage, the multitude do not possess their fair share of liberty; and in a democracy, although it be just and moderate, its very equality is a culpable levelling, since it allows of no gradations of dignity. He then makes the following remarks, "I have reasoned thus on the three forms of government, not looking on them in their disorganized and confused conditions, but in their proper and regular administration. These three particular forms, however, contained in themselves from the first, the faults and defects I have mentioned; but they have still more dangerous vices; for there is not one of these three forms of government, which has not a precipitous and slippery passage down to some proximate abuse. For after that king, whom I have called most admirable,—the amiable Cyrus,—we behold the barbarous Phalaris, that model of tyranny, to which the monarchical authority is easily abused by a facile and natural inclination. Alongside of the wise aristocracy of Marseilles, we might exhibit the oligarchical faction of the thirty despots, which once existed at Athens. And among the same Athenians, we can show you, that when unlimited power was cast into the hands of the people, it inflamed the fury of the multitude, and aggravated that universal licence which ruined their state."

In this position of the argument, Cicero takes another direction, and observes that "there is a fourth kind of government, therefore, which, in my opinion, is preferable to all these; it is that mixed and moderated government which is composed of the three particular forms I have just noticed. (Itaque

quantum quoddam genus republicæ maxime probandum esse sentio, quod est ex his, quæ prima dixi, moderatum et permixtum tribus.)

Cicero, however, again qualifies this choice; for when pressed to state to which form of government he gives the preference, he decidedly declares in favour of the monarchical principle, and supports his opinion by the following among other arguments.

When reason rules alone in the understanding, every passion and sentiment is kept in due order and subjection; and peace, harmony, and happiness are the natural results. Now reason here may be contemplated as a Monarch, having absolute power and authority; it preserves and maintains the unity of action in the individual mind, and guides it to appropriate and salutary conclusions. From this analogy he concludes, that monarchy would prove the best form of government, if we could only place political power in wise and efficient hands. This argument has often been insisted on in modern times; but few writers have done it more justice, for energy of thought, and beauty of illustration than Cicero has done, in this first book of his *De Republica*. However, the argument has little intrinsic value; for the analogical train of thought on which it rests, is but of a feeble and illogical character.

In descanting on the evils incident to democratic institutions, Cicero seems to speak with the energy and feelings of one who had witnessed them in all their devastating and revolting aspects. And it has been conjectured by recent writers on the subject, that the eloquence which he here displays, and the general tenor of his observations, might have been highly in-

strumental in paving the way for the re-establishment of the monarchy under Augustus. Cicero's eloquence can scarcely be said to be one-sided; for we find him describing a tyrant in the following words. "Simul atque enim se inflexit hic rex, in dominatum injustiorem, fit continuo tyrannus, quo, neque tætrius, neque fædius nec dis hominibusque invisius animal ullum cogitari potest: qui quanquam *figura est hominis, morum* tamen immanitate vastissimas vincit *belluas*. Quis enim hunc hominem *rite* dixerit, qui sibi cum suis civibus, qui denique cum omni hominum genere nullam juris communionem, nullam humanitatis societatem velit."

The pre-eminence and immutability of the great law of nature is forcibly insisted on by Cicero. He says, "This law cannot be abrogated in whole or in part, nor can it be in the slightest degree impaired; neither by the senate, nor by the whole people. It requires not an expositor; it is self-explanatory. It is not one thing at Rome; another at Athens; one thing now, another hereafter. It is one, eternal, and immutable; obligatory upon all, in every time and place; since God who is its author, expounder, and publisher, is the Lord of all. Whoever, therefore, violates this law, offends against himself, and is a contemner of human nature. He shall be amenable to severe penalties, though he should evade that which is usually denominated punishment."*

The second book of the *De Republica* is devoted to showing, that the Roman government is that to which, being composed of the three different forms of policy he has enumerated, he had been led, after careful con-

* *De Republica*, lib. 3.

sideration to give the preference. He here, however, only deals in common-place statements of the history of the Roman republic, from the days of Romulus downwards. He thinks the facts and observations he offers are sufficiently numerous and cogent as to entitle him to conclude, that the Roman constitution, taken as a whole, was the most perfect form of government. It is true that at the period of history in which the scene is laid, the evils of a constitution, composed of such ill-balanced materials, were not so evident as they afterwards became. Scipio Africanus himself, the chief interlocutor, had been, as we are told by Plutarch, actively engaged in opposing the sedition of the Grachi; and this certainly was sufficient to render him a proper medium for the expression of those sentiments, which, tending to enlighten the minds of his contemporaries on the real nature of their constitution, would, perhaps, have effectually promoted the grand and professed object of Cicero's instruction—restraint, and reformation. His judgment was, perhaps, in this instance blinded by the excess of his patriotism, and weakened by the want of that habit of philosophical investigation into historical subjects, of which the Romans generally were lamentably defective.

In the third book, we see that Cicero, in point of methodical arrangement, is greatly inferior to the object of his emulation—Plato. The latter prefixed to his political work, the discussion respecting the abstract question of justice; Cicero, on the contrary, with great apparent impropriety, has interwoven such a discussion into the body of his work, and made it the subject of investigation in this book. The whole of it has, however, nearly perished. This is the more

to be regretted, since, we have every reason to conclude, it would have contained many important principles, which, uttered by the voice of antiquity, would have compelled attention from those who are wont to despise the unclassical truths of modern political philosophy, and to forget, in their excessive veneration for former days, how much the influence of such a prejudice may retard the intellectual progress of mankind. But while we notice the imperfections in reference to the matter of the fragment which we have now been considering, let us never forget that excellence is relative, and that so, in order to be just, must be our judgment also.

The general summary of the contents of this book is given by the celebrated St. Augustine, in his *de Civitate Dei*, and we shall give it insertion here, for the sake of the commentator, who seems to have paid great attention to the whole of Cicero's political speculations.

“In the third book of Cicero's Commonwealth, (says St. Augustine) the question of political justice is most earnestly discussed. Philus is appointed to support, as well as he can, the sophistical arguments of those who think that political government cannot be carried on without the aid of injustice and chicanery. He denies holding any such opinion himself, yet in order to exhibit the truth more vividly through the force of contrast, he pleads with the utmost ingenuity the cause of injustice against justice; and endeavours to show by plausible examples and specious dialectics, that injustice is as useful to a statesman as justice would be injurious. Then Lælius, at the general request, takes up the plea for justice, and maintains

with all his eloquence that nothing would be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration. This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of a Commonwealth, that it consisted in the welfare of the entire people, by which word "people" he does not mean the mob, but the community—bound together by the sense of common rights and mutual benefits. He notices how important such just definitions are in all debates whatever, and draws this conclusion from the preceding arguments, that the Commonwealth is the common welfare, whenever it is swayed with justice and wisdom, whether it be subordinated to a king, an aristocracy, or a democracy. But if the king be unjust, and so becomes a tyrant, and the aristocracy unjust, which makes them a faction, or the democrats unjust, and so degenerate into Revolutionists and Destructives—then not only the Commonwealth is corrupted, but in fact annihilated. For it can be no longer the common welfare, when a tyrant or a faction abuse it; and the people itself is no longer the people when it becomes unjust, since it is no longer a community associated by a sense of right and utility, according to the definition."*

The fourth book of the republic, contains but a few pages, and these treat of morals and education. The few fragmentary paragraphs we possess, are calculated to make us regret the passages lost.

The fifth book likewise only contains a few detached remarks. They are confined to the duties of magistrates, and to the importance of practical experience

* *Civitate* Dec. 3. 21.

to all who undertake the weighty responsibilities of government.

The sixth book is a little longer than the two preceding ones, and the matter of it is interesting to the political philosopher and philanthropist. Cicero labours to show that patriotic statesmen will not only be rewarded on earth by the approval of a good conscience, and the applause of virtuous and noble-minded citizens, but that they may reasonably look forward to a state of immortal glory in new forms of being. To illustrate this, he introduces the "*Dream of Scipio*," in which he unfolds the cheering and sublime doctrines of Plato, respecting the immortality of the soul. This has been considered one of the most beautiful of the author's compositions.

The treatise *De Legibus* was written by Cicero two years later than his *Republica*. We have only the first part of the subject in the books which have come down to our time. In examining into the foundation of all law, he falls back upon the idea of a *Great First Cause*; and conceives that the notion of obligation, duty, and justice, involved in all the forms of legislation, proceeds from *Reason*—the Eternal mind—the Divine Energy. It is by virtue of this great power that men are brought into juxta-position with the gods; and that the intimate resemblance between reason and virtue is established. He then descants on the authority of conscience, the imperfections incident to all human laws, the influence of the moral sense of mankind, and the disinterested feelings of virtuous emotion which dwell more or less in every human breast. These are all matters which enter largely into every species of political and social philosophy. He

next treats of the principles of ecclesiastical law, under the heads of divine worship, the observance of festivals and games, the offices of the Priests, Augurs, and Heralds, and of the punishments due to sacrilege and perjury. The consecration of lands, and the rights of sepulture are likewise treated of. The author then enters on the civil law, and defines the duties of magistrates and citizens.

Some politicians of the present day, though generally perhaps well-informed on their favourite pursuits, may be surprised to find that Cicero, two thousand years ago, discussed the question of secret and open voting. In this work *de Legibus*, he says, "The next legal maxim treats of *suffrages and votes, which, as I have said, should be notorious to the nobles, and free to the people*, (*nota optimatibus, populo libera*). * * * "The question is, whether in case of suffrages at the election of magistrates, the formation of laws, or in the judgment of criminals, the votes should be given by poll, or secretly by ballot." It is evident that Cicero considered this an important question, on which much might be said on both sides. He says, "It is only under the authority of the nobles, which good men will obey, that the right of voting is conceded to the people. For these are the very words of my law respecting elections. *Let the votes be notorious to the nobles, and free to the people*; a legal maxim which contains this doctrine, that all laws should be abrogated which have been so contrived *as in any way to mask or hide a suffrage*; such as those which hinder full inspection of any ballot, or examination and appeal thereon." * * * "If the laws indeed could but hinder intrigues, then the people might be allowed

the ballot as a vindicator of liberty, provided it were so laid open and freely exposed to all honourable and worthy citizens, that their authority might be blended with this popular privilege, thus leaving the people the power of expressing their deference for the aristocracy." Then says he, in his oration for Plaucius, "the ballot becomes agreeable and pleasant, for it opens men's countenances and conceals their thoughts, and gives them liberty to do what they please."

Cicero, as a political writer, has been the object of no small portion of criticism by modern writers, who have passed various judgments on his productions. "As a statesman," says one author, "and citizen, Cicero cannot command our respect. He did good service to his country by the suppression of Cataline's conspiracy; but this was almost the only occasion on which he showed vigour and decision of character. His own letters condemn him. In them his inordinate vanity, pusillanimity, and political tergiversation appear in the clearest light."* Niebuhr entertains a more favourable opinion of him as a politician. "He was not a man of weak character. When ever there was need of it, he showed the greatest firmness and resolution. What makes him appear weak is his sensitive nature; a thing which he thought an indignity (*indignum*) completely annihilated him. His pure mind was above all baseness; and it was only the consequence of his noble ambition that he wished to shine himself in the most brilliant light."†

"Soon after the death of Clodius," says Dr. Middleton, "Cicero seems to have written his treatise on

* Smith's Classical Dict.

† Letters on Modern Hist.; 1849.

laws; after the example of Plato, whom of all writers he most loved to imitate. For as Plato, after he had written on government in general, drew up a body of laws adapted to that particular form of it which he had been delineating, so Cicero chose to deliver his political sentiments in the same method, not by translating Plato, but imitating his manner in the explication of them. This work being designed, then, as a supplement, or second volume to his other, upon the Commonwealth, was distributed probably as the other was, into six books, for we meet with some quotations among the ancients from the fourth and fifth, though there are but three now remaining, and these in some places imperfect. In the first of these he lays open the origin of laws, and the source of obligations which he derives from the universal nature of things, or, as he explains it, from the consummate reason and will of the supreme Being. In the other two books, he gives a body of laws, conformable to his own plan and idea of a well-ordered state. First, those which relate to religion and the worship of the gods. Secondly, those which prescribe the duties and powers of the several magistrates, from which the peculiar form of each government is denominated. These laws are generally taken from the old constitution or custom of Rome, with some little variation and temperament, contrived to obviate the disorders to which that Commonwealth was liable, and to give a stronger turn towards the aristocratic side. In the other books which are lost, he tells us, of the particular rights and privileges of the Roman people.”*

Granting that our political and moral philosophy is

* Life of Cicero.

greatly superior to that current in Cicero's day, yet let it be remembered that we have been considerably benefitted by the inheritance which both himself and Plato, his teacher, have left us. Those indeed who can at all estimate how much more difficult it is to create than improve, and in any way appreciate how much society generally, and themselves individually, owe to the valuable relics of antiquity, will never with an impious hand endeavour to strip from the brows of its sages those laurels with which, by the consent of ages, they have so justly been crowned. But, while energy of thought and vigour of impression, propriety of language and harmony of style; while simplicity and elegance, ease and sublimity combined, shall continue to be held excellencies of composition; while a perception of the beautiful is not extravagance, nor a veneration of our forefathers a puerile weakness, so long will the classical authors be read and venerated, and so long will the treatises de Republica and de Legibus be admired and esteemed.

We have little more to add to this chapter on Roman Political literature. Cicero is the great luminary in this hemisphere, that dims the lustre of all others. We meet with very little indeed, of a purely abstract or theoretical character, having a direct reference to general state polity, among the other writings and speculations of the Roman authors.

The necessity for, and the end of government, are thus alluded to by Seneca. In speaking of ingratitude, he observes, "That nothing disturbs so much, the concord and union of mankind, as this vice; for on what does our safety depend, if not on the mutual services we render to each other? Certainly, it is

this commerce of benefits, which alone renders life commodious, and puts us in a condition to defend ourselves against unforeseen insults and assaults. What would be the condition of mankind, if each individual lived alone! As many of the species as led this solitary life, so many bodies or victims would be prepared for other animals—a sacrifice easy to be made—in a word—weakness itself.”

“In fact, all other animals have strength sufficient for their defence. Those, that are quite savage, and whose ferocity will not permit them to herd together in troops, are born, as we may say, completely armed; whereas, MAN is, on every side, surrounded with weakness—having neither nails nor teeth to render him formidable—but these succours, of which he is destitute by nature, he finds in society with his equals. Nature, to indemnify him, has given him two things, which, weak and miserable as he would have been without them, render him very strong and very powerful. I mean REASON, and SOCIABILITY;—so that he who, alone, could not resist any one, becomes by this union, master of all. Society gives him dominion over all other animals, not excepting even those of the sea, which are produced and live in another element. It is the social disposition which stops the ravages of diseases—furnishes succours to old age—assuages our griefs—gives us a claim to implore the assistance of others, against the accidents of fortune; and inspires us with courage to support them. Take away sociability, and you will destroy the union of mankind—on which depends—the preservation and happiness of life.”

A good deal of interesting and useful information,

on political science generally, may be gleaned from a perusal of the Roman historians. We are sometimes better able to trace the progress of public opinion on general state matters and principles of government, from following the details of the historian, than in consulting more regular and systematic treatises. Sallust, in his histories of the Catiline conspiracies, and Jugurthine war, abounds with many statements and observations on politics, and social economy. The *History of Rome*, by Livy is interesting, though political matters are here treated of from a historical and not a scientific point of view. Cæsar and Tacitus, are likewise useful and interesting authors.

CHAPTER V.

THE POLITICAL LITERATURE OF THE CHRISTIAN FATHERS OF THE CHURCH.

THERE is no branch of human knowledge so rich to the philosophic thinker, as that which embraces the laws which regulate and control the different aspects and phases of public opinion, on great political principles and truths. The materials on which the mind has to operate are scattered in such apparent and hopeless confusion, that they seem to bid defiance to any mental effort made to reduce them to a manageable or useful end. It is much easier for the natural philosopher to develop the history of the earth's formation in the rocky strata, and classify the various orders of animated nature, or for the astronomer to reduce the motions of the heavenly orbs to the laws of celestial mechanics, than to trace out those events and circumstances in human affairs, which have guided the successive generations of men to the unity of truth, and the consolidation of opinion. Though the difficulty be unquestionably great in the way of the philosophical politician and legislator, it is not, however, insurmountable. Boundless as the fertility of mind is, it is still kept within a visible horizon.

The primary powers and affinities of mind, the homogeneous character of intellectual instruction, and those powerful impulses of human feeling which heave the breasts of social communities, all point to general results, and conspire to guide the thinking understanding in treasuring up the records of past experience, and to make them subservient to its further instruction and progress. Men are directed, as it were, by the unerring power of instinct to mark the ascending and returning wave of general tendencies. They view from age to age the kindred movements, sentiments, and opinions of political communities; and here, as in other departments of nature, there are certain archetypal forms, and elementary influences, which constitute the necessary and prescribed conditions on which the speculative reason can employ itself. This same law is manifested in every other kind of literature, as well as in political. There is the same archetypal stamp on the Epic and Dramatic genius of every age and country; the same relationship between the philosophy of India and that of ancient Greece; and the disquisitions of Plato, and the mystical vagaries of the Alexandrian School, find their counterparts in the speculations of modern times. The philosopher is like the enterprising mariner, ploughing the ocean in quest of new regions, whose utmost and final efforts must, however, be confined to the narrow globe he is circumnavigating.

But limited as the range of political literature undoubtedly is, it occupies an arena sufficiently wide to puzzle, at first sight, the most ardent enquirer. The mass of materials presented to the judgment, in any given period of history, is so vast, that to seize

upon scientific unity, and separate it from mere historical detail, is no ordinary mental achievement. The primary and essential are borne down by the pressure of the temporary and unimportant; and to gain the former we are compelled to labour long and hard at clearing away the latter.

At no period of the history of the world, were there more antagonistic influences in full activity in European society, than for several centuries after the Christian era. These were seasons of great and radical transition. Christian polity was weak and feeble in these its early manifestations; it had not yet assumed a self-conscious intelligence and action. It hung over the nations like a faint and nebulous cloud. And as it gained more firmness and strength, it was irresistibly drawn into external conflict with political cruelty, profound ignorance, and immoralities of the deepest turpitude. Christianity had likewise to establish itself as a spiritual agency, before its social and political principles could be fairly brought before the minds of men; but when this, its chief mission, was in some measure executed, these principles began to mingle more freely with public opinion, and to form part of the current of mental thought, and private and public education. Slow, however, was the progress of planting, in the mind of the world, the seeds of a new science, and tardy, likewise, was the germination of these seeds into full life and vigour. They were only scattered here and there, as it were by stealth, by the hands of the sowers; and mankind benefitted only irregularly and partially from the fruits of the harvest.

There was a great falling off in those displays characteristic of early times, of Roman patriotism and

love of freedom, from the commencement of the long peace, luxury, and prosperity, under the Antonines, till about the year 180. Political sentiment and feeling lay prostrate under an insuperable apathy. The people sank from one stage of degeneration and indifference to another, till every vestige of public spirit was obliterated from their hearts and understandings. Such a state of torpor was more inimical to human improvement than positive barbarity. Longinus, represents the genius and public spirit of the citizens in the following century, as cramped and contracted; their minds becoming like the limbs of children which have been confined by bandages. Even the profession of arms fell from its high estate; and the strength of the Roman army lay in the sinews of its foreign mercenaries.*

It was this condition of the Roman people which greatly accelerated their downfall before the bold and energetic hordes of barbarians. The progress of their attacks on the power of Rome, was nearly as follows. The Gothic tribes were the most distinguished of those invaders, and occupied that portion of country which lay nearest, in a direct line, to the capital of the empire. In the reign of Aurelian, (270—275) the province of Decia was relinquished to them, and the river Danube constituted their northern boundary. A century after their settlement, those Goths were in turn invaded by the Huns, who have been commonly supposed to be tribes of wandering marauders from the distant parts of the Chinese empire. The eastern section of the Gothic tribes, called Astrogoths were

* Longinus, de Sublim : cop. 43 ; Schmidt, Hist. : des Allemand's, tom 1 p. 300 ; Gibbon, Decline and Fall, vol 1.

conquered by the Huns; and the western, or Visigoths obtained permission from the Emperor Valens, in 376, to form a settlement on the southern banks of the Danube. This was called *Moesia*; and it was from hence that the famous Alaric, two years afterwards proceeded, and entered and plundered the city of Rome itself. But, about the year 412, these conquering tribes were induced to retire into Gaul, where they occupied the southern provinces;—then the most important and fertile part of the country. The following year the Burgundians, who had settled on the banks of the Rhine for fifty years, entered the eastern provinces of Italy. The dominion of the Goths was also extended over the provinces of Spain, and the Vandals abandoned them for the Roman settlements in Africa. In the year 453, the Astrogoths, in attempting to recover their independence, received from the Roman Empire a grant of the country of *Pannonia*. This is described by the Gothic writers as a rich and populous region, containing many large cities, and its inhabitants displaying considerable refinements, intelligence, and public spirit.

After the first century of the establishment of these several German tribes on an exterior province of the Roman Empire, it so happened that another portion of the same people, who had taken possession of the southern districts of Gaul and Spain, were brought into closer alliance and friendship with them. This intercourse subsisted for upwards of thirty years; during which time they had acquired some degree of knowledge, and made some advances in the arts and refinements of social life.

In the meanwhile, however, considerable movements

were made by other numerous bodies of wanderers, on different parts of Europe,—the Franks in Gaul, and the Saxons in Britain. These hordes were strangers to religion, and to the social comforts of civilized life; though in after ages they were destined to maintain a conspicuous station in the history of our race. The more northern countries of the European continent, Germany, Denmark, and Sweden, lay beyond the direct authority and influence of the Roman Empire. The tribes of these kingdoms had to receive, therefore, the benefits of Roman civilization at a more late period of modern history.

Among all those tribes who took an active share in the dismemberment of the Roman Empire, there were found certain qualities of mind, and habits of social life, which were favourable to the cause of European civilization which subsequent ages developed. There was a bold and manly spirit of independence, which produced a marked and beneficial influence on the established system of Roman society and manners. The spirit of freedom was again heard among men; and forms of polity, and principles of social government, took their rise from these barbarous communities, which have proved of inestimable value to the human race.

These several barbarian movements on the south of Europe, and upon the heart of the Roman Empire particularly, formed an important element in the progress of the subsequent civilization of mankind. New and distinct political societies were organized, and the active and binding principle which kept them together, and maintained their healthy and vigorous action, was unquestionably a theological one. The prelatical es-

tablishments spread over the entire portion of country into which these savage hordes had entered, soon began to manifest their power over the minds and social habits of the invaders. They were insensibly brought under christian unity; and became attached to its outward political manifestations, by the cogent ties of interest, opinion, and example. As time rolled on, these religious ligaments were multiplied and strengthened; and by these means political and domestic improvement was more rapidly and steadily accelerated, than if matters had been left to the naked influence of the ordinary motives and stimulants to national advancements.

The principles of human action, and the sources of pleasure and happiness, being no longer now viewed through the delusive medium of myths and fables, a more steady aim was given to human thought and conduct, and the great principles of progressive improvement became distinctly, though faintly, shadowed forth. The Scriptures were one immense and powerful *organum*, by which man might test every form of human society, and every feature of social government. There was nothing too comprehensive or minute for their grasp. They abounded with facts, axioms, recommendations, declarations, and prophecies, such as had never fallen on the ears of mankind before, for the guidance of governors, as well as the governed. Every variable and shifting scene of human life was invested with political interest, and moral responsibility. Man, as a social agent, became accountable for duties of the highest obligation, and made answerable for consequences of the most momentous character. In all his chequered course he was reminded that this world

was not his final resting place; but that a higher tribunal would sit in government on his political, as well as upon his other deeds; and that justice, truth, and mercy, were the grand principles which should at all times regulate the conduct of one man to another, in his social and political intercourse.

The more that christianity was considered as a political *organum*, the more important and vital did its probable results on human society appear. It grew upon the mind the more it was studied and analyzed. It was not only vast and indefinable in extent, but there appeared no standard by which to measure its benefits, save by creative omnipotence itself. There was a dominant sense of power which conveyed something almost oppressive and awful in its comprehensiveness and dignity. When viewed as a totality, it overpowered and subdued the highest minds which contemplated it.

In many of the first centuries after the introduction of Christianity by the Apostles, political literature ran parallel with its interests, and external fortunes. The Bible brought along with it political science under a new aspect, and invested it with stirring interest. We find it reared like a young and tender plant, by the vigilance and solicitude of the Fathers of the Church. They were for many ages the great political writers and disputers of their day. They had to struggle for existence and supremacy by developing the political element, and making it a necessary, and conspicuous object, in their warfare with the constitutional powers of the world. They showed that their Divine mission was fraught with good to mankind in their social capacity; that it carried with it

the seeds of human regeneration ; and that the more it became revered and reduced to practice, the more unerring and secure would be the path to political grandeur and happiness. Knowledge was here power of the most unquestionable and improving kind. And hence, in their several writings, they discuss the varied principles of political science, and enforce its obligations and advantages on the attention of both Kings and their subjects.

For many centuries after the introduction of the christian system, we find scarcely any fragments of literature of a political complexion, save what are furnished by the writers of the Church. The chief reason for this is, that the agents of this benign and enlightened system, found a regularly established government, in full and active operation, when they had to solicit the attention of mankind, to their particular doctrines and social theories. The minds of men were already stored with a full complement of ideas or notions on the nature of government ; the efficiency and importance of which were displayed in the every day exhibitions of life and manners among the mass of the people. There was no open or clear stage for the politics of the Bible on their early promulgation. The mind and heart had to be slowly and stealthily approached, and gradually moulded to recognise and appreciate the very first principles of the christian code. A tardiness of progress, and an imperfect and partial development of these principles, were the necessary consequences of this state of things. An immense mass of false philosophy, pagan barbarities, and savage ignorance, stood in the way of political intelligence and improvement, in every department of

governmental policy. False theories, rooted prejudices, inflamed passions, and a degraded moral sense, were rampant in every direction among the heterogeneous masses which encompassed the Roman civilization; forming, in fact, an incongruous assemblage of elements, which threatened an entire destruction of the highest hopes of the human race. One of the consequences of this was, that the political literature of the early Fathers of the Church was more of an indirect than direct character. They do not appear as decided theoretical politicians; this was not their office or calling. Their social and religious position excluded them from taking upon themselves a duty of this nature. But being men of high intellect and attainments—the ruling spirits of their respective ages—they could not fail to perceive, what was the general scope and important bearings of the system of revealed truth they had to enforce on the understandings of men, and what an intimate and necessary relation subsisted between the spiritual and temporal interests of mankind. They dealt with the great truths of Christian polity in an incidental and isolated manner; while they failed not to develope their ideas on the evils arising from such particular departments of social philosophy and jurisprudence, which might at the time, be running counter to the true interests and happiness of the community at large. They were, in fact, great, but only bit by bit reformers. They distinctly perceived the grand principles which should regulate society, in its leading movements and aspirations; but they were not adequate to the complete grasping of them as a whole, and to the moulding of them into a perfect and logical system. The materials

on which a theoretical politician could erect any scheme of national polity, were not then, in fact, in existence. They had still to be created by the successful and full development of the social and religious elements of revelation. The soil was rich and fertile, but as yet overrun with weeds and brambles. The Fathers acted, therefore, in the only sphere they could possibly act;—that of attempting to put down particular and isolated evils, which manifested their baneful influence, at certain periods, and in certain localities of their respective countries.

The history of the political philosophy of the Scriptures, presents, therefore, in its earlier stages, in particular, many of the phases which belong to these writings, in their strictly religious character. We find truth and falsehood, wisdom and folly, good and evil, blended together in certain proportions. And this is just what characterises our own day. The political writings of the Fathers are marked by every variety of mental power and intelligence. We see in one direction, a strong disposition to systematise and speculate on the fundamental maxims of society; and, in another quarter, we meet with inquiries and discussions on matters of a purely practical and every day cast. Here we have comprehensive theories of government, and there questions of political economy; both, perhaps, running into the visionary and crotchety. Still, however, we recognise in every epoch of history, a positive increase of knowledge, and a consequent elevation of the human mind, on matters connected with the aggregate interests of the human race.

As a proof of this, we find among all the active and

stirring minds of the early church, discussions on many questions, on which politicians of the present hour, in every part of Europe, are very much divided; and such as do not essentially embrace, in their ordinary application, the theoretical principles of governments. Such questions as relate to the rights of the poor, hospitality to strangers, forestalling, and usury, are among those which received considerable attention, as they were considered intimately connected with the peace and welfare of the community, and as likewise involving many of the vital precepts of the christian code. Discussions on these questions gave rise, in the course of time, to legislative enactments, and social customs, which for centuries, were stamped upon the institutions of every country in Europe, and which, even at the present hour, may be seen affecting the interests of many numerous and powerful communities, who have been placed more directly under the influence and government of the church.

Hospitality to strangers partook, in the early ages of the church, of the nature of a political duty. And opinions ran so high on this point, that in some of the early codes, it was ordained that "the movables of an inhospitable person should be confiscated and his house burnt." Justin Martyr, in the third century, particularly enjoins that collections be made for the poor after Divine Service; and adds, "lastly the collections are deposited with the priest to succour the widows, the fatherless, the sick, prisoners, strangers, and the poor; for the chief priest, is the *Curator* of the poor."* Origen says, "It behoveth us to be discreet and faithful in our distribution of ecclesiastical goods.

* Apol. ad And; Cæsar.

For it is not sufficient for us simply to give away the goods of the church, so as to keep ourselves clear from devouring or stealing of them; but we must wisely *consider every man's necessity.*" The same doctrine and sentiments, may be found in the writings of St. Augustine, St. Ambrose, St. Bernard, St. Gregory, and others.

We have many detached writings or Essays of the early Fathers on *Usury*. It seems to have been severely and generally denounced, as a thing inimical to the true interests of the state, as well as carrying with it a decidedly moral taint of a personal character. St. Basil, the Great, says, "It is the highest degree of inhumanity to charge the man who applies for a loan, in order to support wretched existence, any more than the principal, or to calculate on riches from pinching poverty." * * * "Give him the money idly dormant at home, embarrassing him with no interest." St. Clement, of Alexandria, says, "The law forbids lending to our brother at usury. It is unlawful to charge usury for the money which ought to be extended with open hearts and hands towards the needy, in imitation of God's free bounty to us." St. Chrysostom. in his 5th Homily, says, "Nothing exceeds in barbarity the modern system of usury; indeed, these usurers traffic on other people's misfortunes, seeking gain through their adversity; under the pretence of compassion, they dig for the distressed a pit of misery; under the appearance of giving aid, they grind the indigent." St. Augustine observes, "I would not have you become usurers, because it is a profession repugnant to the law of God. If you lend your money to a man from *whom you expect more than*

you gave, not in money alone, but if you expect more than you gave, whether it be wine, oil, or any other article, you become a usurer, and therefore reprehensible." St. Leo, says, "Usury, under every view, is always bad. The usurer is miserable, if by any reverses he lose the principal, and miserable if he get what he never gave; his iniquity is to be avoided, and his gain divested, as it is, of every semblance of charity, to be abhorred. The unjust gainer by loans is an exile from the sacred mountain, and from the heavenly tabernacle." St. Hilary, remarks, "If you be a christian, why do you set your barren money to fructify? or calculate on riches through the distresses of your brother, for whom Christ has suffered? If you be a christian, I do not ask you to forgive; at least, demand the debt in a manner that will not beggar him." St. Gregory, of Nyssa, in the Paris edition of his works, 1616, says, "The prophet explodes and eradicates from society the poisonous branch of usury. Whosoever you be, hold in detestation usurious dealings; love your neighbour, but not your money; bid farewell to redundant riches and to usury; excite the love of the poor in your souls." * * *

"The usurer relieves not, but embarrasses the needy. The usurer's life is both indolent and insatiable; the pen is his plough; the paper his field; the ink, his seed, his rain, and season, for to luxuriate his money crops. He has barns and granaries to hoard up, and thrash the poverty of the wretched; looks upon all men's property as his own; prays for adversity to his neighbours, that they may have recourse to his refuge; he hates the affluent, and considers those his enemies that will not enter his books." St. Ambrose de-

nounces usury in the following words:—"You lend money, and demand land and personal security; you receive diamonds and plate in pledge, and yet you call him your debtor, who has intrusted you more than he had received from you. Nothing surpasses the wickedness of usurers; they look on their neighbour's adversity as their own gain; on their prosperity as their own loss. God is witness of the usurer's iniquity, and of the borrower's misery." St. Jerome says, "Some people think that usury is only sinful when received in money; this was foreseen by the sacred writer; it was on this account that he proscribed *increase*, so that you cannot receive more than you gave." Lactantius in his *Divina Institutione*, observes, "Pious persons take no *increase* for their loan, for a double motive—to secure their merit without alloy, and to retain their hands unpolluted with another man's property. To take more than has been lent is unjust." Tertullian, in his work against Mercion, says, "If you lend to those from whom you expect to borrow, what merit will you have? The increase is usury, which is a hateful and injurious thing both to individuals, and to the state."

These individual opinions on the nature of usury, considered in its political bearings, were embodied in the Canons of the Church; and had the force and authority of law in many countries of Europe for more than a thousand years.*

Many of the Fathers of the Church inveighed against the office or profession of a general merchant, as they thought his occupation was tainted by usury, and

* See Canons, Gratian, Dist: 47, chap. 1, 2, 3, 4, 5, 6, 7, 8. Decretals of Greg: lib. 5, tit. 19. Sexti Decretal, lib. 5, tit. 5, cap. 1, 2. Clemantinarum, lib. 5, tit. 5. Septini Decretal, lib. 3, tit. 17, chap. 3.

fraud. They considered him as the prime instrument for what they called forestalling or monopoly. They endeavoured to define a merchant so as to separate him from what is commonly denominated a manufacturer. In fact, it was simply against what we, in modern times, call *middle men*, that the Fathers directed their censure and reproach. St. Chrysostom, at Constantinople, in the year 400, says, "I shall show you who is a Merchant, that you may understand that the man who shall not be of this character, is not a Merchant. Whosoever procures an article not to sell the very same thing entire and unaltered, but that it may be unto him a material for some workmanship, he is not a Merchant. But whosoever, procures a thing, in order that he may gain profit by disposing of the very thing entire, and unaltered, he is a Merchant. And the man who procures an article to make profit by disposing of the very thing entire and unaltered, he is the Merchant who is ejected from the temple of God. Some may say, "The man who lets his land for rent, or a house for a pension, is he not in the same state with the man who gives money at usury? He is not; first, because money is not laid out for any other use, but for buying; secondly, because a man possessing land, gains fruits by tilling it; having a house, he gets the benefit of dwelling in it. Therefore the man who lets ground, or a house, seems to cede his own advantage, and to receive money, and to commute somehow profit for profit. You get no utility from money hoarded up; thirdly, a farm or a house wears in the use; but money when exchanged is neither diminished nor worn." The same opinions are expressed

by St. Augustine, St. Leo, and by the Council of Nice, in the year 325.

In the writings of the Fathers we have likewise their opinions on the nature of Slavery, Marriage, the authority of Parents over their Children, Divorce, and on the condition of the Female sex generally. On all these topics much valuable and interesting information is to be found scattered up and down, in the controversial and doctrinal disquisitions of these ancient writers.*

The same anxiety was manifested by the Fathers in their general teachings, to enforce all the duties, amenities, and charities of life, as is here displayed against cruelty, extortion, and chicanery of every kind. The conviction was ever present to their minds, that scripture doctrine and philosophy were the most infallible means of supporting, and promoting the welfare of a state. St. Clement, in his epistle to the Corinthians writes thus—"Who that has ever been among you has not experienced the firmness of your faith, and its fruitfulness in all good works. For ye walked according to the laws of God, being subject to those who had to rule over you—and giving the honour that was fitting to the aged. Ye commanded the young men to think those things that were modest and grave; the women ye exhorted to do all things with a pure conscience, loving their own husbands, and ordering their houses with discretion. All of you were humble

* To those who feel any particular interest on these matters, I beg to refer them to a work of mine, entitled "The Temporal Benefits of Christianity," London, 1849, which contains several remarks and statements, as to the influence of the Christian principles, over laws relating to many important questions of general polity. On the nature of slavery, as viewed by the Church, see Note A, at the end of this volume.

mindful of injuries; ye were kind to one another, without grudging, being ready to every good work; and being adorned with a conversation altogether virtuous and religious, ye did all things in the fear of God, whose commandments were written on the tables of your hearts."

Justin Martyr, in his first apology says, "From being impure they had become temperate; from being wedded to the world and its possessions they had become benevolent, and ready to relieve the wants of their brethren; instead of living at enmity with those who were not of their own tribe, they considered themselves as united to all human beings; they prayed for their enemies, and endeavoured to prevail with those who displayed the most inveterate antipathy to them, to consult their own happiness by obeying the precepts and cherishing the blessed hopes of the Gospel." * * * * The apology of Athenagoras presented to the Emperor Marcus Aurelius, contains these words—"Amongst us you will find private individuals, mechanics, and old women, unable, indeed, by words, to show the utility of our doctrine, but demonstrating it by their actions." * * * * "Would we live thus pure and innocent unless we believed that God governs the world? It is because we have this belief that we lead so moderate and benevolent lives."

Tertullian says—"We who are branded as sacrilegious, were never detected in theft or in sacrilege; we disown no pledge that has been intrusted to us; we invade no man's domestic honour; we educate our

children in piety ; we refresh the indigent, and return to no man evil for evil." Origen, in his work against Celsus, says—"Who must not acknowledge that the worst part of our assemblies are far better than the usual assemblies of mankind?"

Lactantius in the fourth century in discoursing on the licentiousness and depravity of the heathen, contrasts the conduct of the latter with the high moral state of believers in Christianity. "Which of those things," says he, "can be objected to our people, whose whole religion is to live without spot and blemish ; whence they might easily gather the information, had they any understanding, that piety is on our side, and that they themselves are vile and impious." Arnobius, who lived about the same period, observes, "What religion can be truer, more useful, powerful, just, than this,—which renders men meek, speakers of truth, modest, chaste, charitable, kind, and helpful to all, as if most nearly related to us?"

Eusebius, after alluding to the malignant imputations which were so early attempted to be fixed upon the followers of Christ, thus details the manner in which they were confuted.—"But the Catholic Church, which alone is true and consistent, became daily conspicuous, in the eyes of gentiles and barbarians, for gravity, sincerity, modesty, and the purity of a divine rule of life, and philosophy,—so that even to our times no one dares to fix upon it such a stain or calumny as its ancient enemies were accustomed to direct against it." In the oration of Constantine, the emperor is introduced as thus speaking :—"Compare our religion with your rites. Is there not amongst us a true concord, and a perpetual philanthropy, such a reproof of what

.

is wrong as may lead to amendment, such discipline as may save and not wound? Is there not amongst us sincere faith, first towards God, and then towards men, as joined in the natural bonds of society? Are we not compassionate to those who are pressed down by misfortune? and is not our life simple, and open, hiding secret wickedness with no veil of hypocrisy?"

Leaving these, and similar matters of social polity, which the fathers were wont to discuss, we may now refer to those more enlarged and comprehensive views they took of political science generally. Here they displayed great wisdom and penetration. They analyzed the complex machinery of the state into its original and simple elements; they looked at the various and discordant phases of society, through the medium of the human heart, feelings, and sentiments; and showed that man, in his political capacity, was necessarily but an imperfect and short-sighted creature; yet a creature, nevertheless, susceptible of progressive and steady improvement. They stoutly and courageously attacked the great mass of cruelty and iniquity on which the ancient and heathen legislation was reared; and those in whose hands the destiny of millions was placed, were taught, for the first time in the history of our race, that they were amenable for the exercise of their power, to a higher and more perfect standard of obligation and right, than the mere applause or censure of their fellow men. The most eminent of the fathers insisted on referring governors, as well as their subjects, to the broad and important principles of justice and humanity incorporated and set forth in the christian system; and on demonstrating the obligation laid upon both parties, of taking that

system, in all its political simplicity and fulness, as their sure and unerring guide to social power and true happiness. There was a perfect unanimity among the chief christian writers on this subject; for the principles they developed lay so open to the intellect, and were so much in unison with the feelings of the heart, that there was no ground for speculative dissent or disagreement.

The mode which the fathers followed in the development of the great principles of government, in their several writings, was an indirect one. In the various public statements and declarations they were called upon to make, in the course of their public duty, sufferings, and trials, as proselytes of a new faith, they seldom lost the opportunity of pointing out some instances of injustice and cruelty in the established institutions of the day; and in treating of these, reference was invariably made to some of the chief maxims of christian ethics or polity, which it would be advantageous to act upon, and receive as a constitutional canon of the state. It was in this manner that these able and pious men carried on their successful warfare against the political ignorance and corruption of their day; and that the thinking and literary mind of Europe, in these early times, was directed to the investigation of sound principles of civil and social liberty and right. The assertion that "the proper study of mankind is man," was one they were daily enforcing and illustrating; and the interests, obligations, and duties of man, as a member of a community, were the constituent elements of their philosophical disquisitions.

And it may be observed here, in passing, that

besides the custom of preaching sermons, and writing formal treatises on the doctrines of christianity generally, the early fathers often wrote *Epistles* or *Letters*, in which matters of public interest were discussed, and information disseminated far and wide. There can be little doubt but much interesting political truth was conveyed to the early christians, and to communities generally, through the instrumentality of this simple mode of communication.

In the *Apologies* of Justin Martyr, and Tertullian,—in the writings of Lactantius, and Minutius Felix, as well as in the *City of God*, of St. Augustine, and *The Government of God*, of Salvien, we find the political relations of men referred to, with great accuracy and eloquence, and some of the chief principles of civil and political philosophy illustrated with such power and copiousness, as to impress the minds of the age with contemplative seriousness, and reverential thought. These were not the fleeting lucubrations of the day ; they sunk deep into the speculative minds of men, and manifested their quickening power long after their respective authors had been removed from the earthly scene of their zealous labours. The truths they enunciated, the admonitions they tendered, and the remonstrances they made, to the ruling powers of the day, were re-echoed through the imperial halls of the state, and struck the hearts of tyrants of every grade with terror and remorse. These holy men imparted a logical unity and power to the great doctrines of rational polity, which gave them a ready entrance into the understandings and hearts of men, and secured, in the course of time, their practical application, as one external bulwark of heathen misrule gave way after another.

The theological and voluminous nature of the writings of the early Fathers of the Church, prevent us from giving a full account of their political bearings and importance; but the following summary of the principles they enforced, may, perhaps, suffice for enabling us to recognise their first position as literary illustrators of the science of government, in these early ages of European civilization.

Viewing the whole of politics through a religious and moral medium, the Fathers solicited the attention of Statesmen and the Rulers of Kingdoms, to the existence of an infinitely wise and just Creator and Governor of the Universe. This was the grand source of all the light which could possibly be thrown on political science. He it was, who made the mind of man such as we find it to be. He made him a thinking, reasoning, and feeling creature, and endowed him with faculties and powers to obtain by meditation a knowledge of the ends and purposes of his being. The duties which men owed to each other in a state of society, involved a series of reciprocal obligations, arising out of the homogeneousness of their nature, as the recipients of a common principle of immortality. Justice, humanity, and right, were subjects which rested on the nature of the Divine character and governments, and could have no existence apart from the active influences and superintendence of that superhuman authority. If the world could be governed upon sound and enlightened christian maxims, misery and vice, both national and individual, would be in a great measure annihilated. This was declared in every page of Divine Revelation. To govern mankind we must examine the structure of human nature;

we must trace its varied adoptions to its social and political offices and uses; and mould, direct, and stimulate it, to increase the comforts and enjoyments of life, by an enlightened union of purpose and action. Social and political regeneration must be the result of religious and moral culture. The imitations of natural and revealed religion, and the moral constitution of man, go to establish the existence of certain political rules and principles, for the guidance of the public conduct of mankind; and the more closely and comprehensively this necessary alliance is studied, the more strikingly will it appear, that these rules and principles display the wisdom and goodness of Providence, in making them subservient to the true end of all knowledge and human happiness.

The Fathers also insisted upon the truth and importance of the maxim, that all legislative skill should be directed towards diffusing the temporal happiness, and increasing the virtuous affections of mankind. They maintained, that when the social condition of a people became low and degraded, their moral and political evils became mostly aggravated; and that no small portion of a nation's real power, grandeur, and solid wealth, rested on the state and condition of the individual homes of the people, and the domestic virtues therein reared and cherished. A really free and happy community was that, wherein was blended a suitable proportion of temporal benefits, and moral and intellectual culture.

What were the precise or definite ideas the early Fathers of the Church entertained on the broad principles of *passive obedience*, and *resistance to constituted authorities*, is somewhat difficult to determine. We

are here left to inference more than to direct matter of fact. The advocate for absolute authority, as well as the most ultra democratic authors, have each claimed the early teachers of our faith, as friends and allies. The dispute can only be settled by considering calmly what was the exact social and political position of the christian community in the early ages, and what was the language the Fathers made use of in reference to that position. In the several *Apologies* for Christianity, published during the four first centuries of the history of the church, we have assertions often made that the christians were not, as a body, a seditious or troublesome class of the emperor's subjects; that they were loyal and well disposed to the constituted authorities; and obeyed the laws, such as they were, with cheerful alacrity. All this is repeated again and again, in these several writings; but still the main question is not materially affected by such general declarations. St. Polycarp, the disciple of St. John the Apostle, and a Martyr, says in his discourse before the Proconsul, "We are taught to give to rulers, and the powers ordained by God, such honour *as doth not hurt ourselves*." There is here an important qualification to a general maxim, which certainly does not strengthen the authority for absolute obedience in civil matters.

In the respective *Apologies* of Tertullian and St. Cyprian, we find repeated allusions to the loyalty of the christian community, and to the spirit of submission which characterised their deportment in every walk of life. Both these writers dwell on the barbarity of the emperors, and their subordinate agents; on the great number of christians in all the chief cities, who were able to defend their rights and lives; but that

numerous as they were, they felt it to be their duty not to resist their oppressors by force of arms. This submission has been held, by some political writers, as a conformity to the doctrine of *passive obedience*, and as forming an essential item in the social creed of the Fathers of the Church.

To this, however, it has been alleged, that the christian community never were in a position to contend against the Roman power in any formal martial conflict; that though they may have been spoken of as a numerous body, yet they were never organized, so as to offer any effective resistance to the reigning powers of the day; and that the real cause of their submission ought to be referred to that general maxim inculcated by the scriptures, that injuries should be patiently borne, and retaliation and revenge seldom indulged, either towards princes, or towards men in general. And it may be remarked, that neither St. Cyprian nor Tertullian ever declare in their writings, that the system of persecution they so eloquently deprecated, was a thing of divine appointment; a course they ought to have followed, if they had made the principle of absolute submission the basis of their reasonings. In fact, their respective *Apologies*, were of themselves a most decisive proof that they considered the authorities of the day had violated, by their persecuting conduct, one of the fundamental principles of right and justice; or why should there have been any appeals at all to higher and more sacred maxims of legislative obligation and duty?

St. Chrysostom describes an absolute prince thus:—
 “A good prince covets nothing because he supposes himself to possess all things, he abstains from pleasures,

since he may enjoy whatever he pleases. He is juster than others, as he who is to be an example to others. He takes pleasure in business, because he labours of his own accord. He loves the laws, because he does not fear them, and of all these he rightly persuades himself; for who hath greater need of prudence, than he who deliberates on such great affairs? Who of more justice, than he who is above the laws? Who of more serene modesty, than he to whom all things are lawful? Who of greater fortitude, than he who keeps all things in safety?"*

On political authority generally, the venerable Father says, that rulers should use gentle treatment towards the people, like a wise physician who applies soothing medicines. He should not punish the good and virtuous; but only evil doers. It is for this object that we consider him to be appointed of God.

The duty to pay taxes or imposts arises from the circumstance that they contribute to the welfare of the entire community. We pay a ruler or king for presiding over us, and doing his duty towards us as a nation. We should not pay him unless we had known in the first instance, that we were gainers from this superintendence. It was from this consideration that from the earliest of times, men have come to an agreement that governors should be maintained at the public expense.†

Where there is perfect equality of rank in society, there can be no authority, nor peace; where all is democracy, there is no obedience, neither where all are rulers; the ruling power must of necessity be one, and indivisible.‡

* Oration, 62. † Homily, 23. ‡ Homily, 20.

St. Augustine, in his contest with the Pelagians, invokes Cicero, in these words noticed by the eloquent Pascal. "Nature, less like a mother than a step-dame, has cast man into life, with a body naked, frail, and feeble, and a soul which inquietude agitates, and fear depresses, which fatigue exhausts, and passion consumes; and yet there dwells within us, though half extinguished, a certain divine spark of intelligence and genius."

In the Father's *City of God* he says, "The public interest is really the interest of the people, whenever it is regulated in wisdom and justice, either by a king, or by a certain number of nobles, or by the entire people. But when the king becomes corrupt,—that is to say, tyrannous; and aristocrats unjust, transforming their allegiance to a faction,—or the people unjust, violent, headstrong, and overbearing,—then, the commonwealth is not merely corrupted, but extinguished; for it is no longer the interest of the whole people, when it falls into the power of a tyrant or a faction. And the people itself is no longer *the people*, when it becomes unjust, since it is then no longer a community formed under the sanction of right, and associated by the bond of common utility."*

On the benefits derived from nations pursuing a peaceful policy, we have the following observations of the holy man. "Peace is serenity of mind, tranquility of soul, simplicity of heart, the bond of love, the consort of charity. It is she that removes discords, restrains wars, mitigates quarrels; that tramples on the proud, and exalts the humble; that allays jealousies, harmonizes enemies, and promotes universal

* Aug : Civ. Dei.

concord. She knows nothing of vanity—nothing of conceit. He who receives her retains her; he who loves her must seek her again; and he who has forfeited her is miserable till he receives her. He who is not found in her, shall be denounced by the Father, disinherited by the Son, and be alienated from the Spirit. Nor can any man hope to arrive at the paradise of the saints, who refuses to observe the testimony of national peace and concord.”

St. Ambrose, in his “offices,” and other divisions of his writings, descants upon many political topics. He lived a life of devotedness to the social charities and amenities of society; and never failed to employ his eloquence in favour of the humble and oppressed. He sold his gold and silver plate, to ransom the captive from his confinement.*

When Lactantius protests against the cruelties of the Emperors towards the primitive christians he says,—“There exists one true law, one right reason—conformable to nature, universal, immutable, external—whose commands enjoin virtue, and whose prohibitions banish evil. Whatever she orders, whatever she forbids, her words are neither impotent among good men, nor are they potent among the wicked. This law cannot be contradicted by any other law properly so called, nor be violated in any part, nor be abrogated altogether. Neither the senate nor the people can deliver us from obedience to this law. She has no need of new interpreters or new instruments. She is not one thing at Rome, and another at Athens; she is not one thing to-day, and another to-morrow; but in all nations, and in all times, this law must reign

* See note B, wherein there is a famous letter of his to St. Cyprian.

always self-consistent, immortal, and imperishable. The Sovereign of the Universe, the King of all Creatures, God himself, has given birth, sanction, and publicity to this illimitable law, which man cannot transgress without counteracting himself—without abjuring his own nature; and by this alone, without subjecting himself to the severest expiations,—can he always avoid what is called suffering.”

In the treatise of Lactantius, *De Divinis Institutionibus*, we find a vast number of observations and principles laid down, which have a direct political tendency, and must have had no small weight on the public mind of the day, as to the ordinary current of political thinking. The work is divided into seven books; but the fourth on *True Wisdom*, and the fifth on *Justice*, are the most important relative to their political bearing.*

On the value of christian morality to all states, we have Salvien, an author who wrote his well-known book *On the Government of God*, about the middle of the fifth century. It is an important work politically considered; not, indeed, for its scientific development or arrangement of the distinct principles of polity, but for its indirect bearings on them, and for its vivid and severe denunciations of the olden system of heathen governments. He shows the insufficiency of the Roman elements of legislation to promote the happiness of man, or to raise him to anything approaching to even a medium state of social comfort, and moral sentiment and feeling. The picture he draws of the degradation of his age is both fearful and revolting. He thinks a state of nature preferable to the civilization

* See the Oxford Edition of his works, 1684

of his own day. He tells the Roman authorities that that empire had been subjected to the inroads of the barbarians solely on account of the demoralized condition of the people; and that even the Vandals themselves enforced the rules of chastity and moral propriety on the Roman citizens, as an evidence of their higher state of rectitude and decency.* He likewise tells us that justice and right were so outrageously trampled underfoot by the government of the day, that the very name of Roman citizen was held in abhorrence, and many who were entitled to claim it went over to the barbarians, where greater mercy and consideration were shown to them.†

The community of goods was, for a brief period, a christian institution of the Church, which in all probability was adopted for the direct purpose of strengthening the bonds of unity among the faithful, and enabling the christians generally to ward off, in some measure, the severities of prosecution. But from whatever cause, it is certain the doctrine was part of the political creed of Justin Martyr, Irenæus, Tertullian, Origen, St. Barnabas, and St. Ambrose. The last speaks strongly and pointedly on the matter, by declaring that "nature has given all things in common to all men. Nature has established a common right, and it is usurpation which has set up a private claim."

On the evils of political ignorance the Fathers were particularly forcible and eloquent. St. Augustine and Salvien, show, in their respective publications on public affairs, that all the embarrassments and corruptions so glaringly exhibited in the Roman

* De Gubern; Dei, lib. 7. † De Gub.; Dei, lib. 5, c. 5.

government of their own day, were fairly attributable to the gross violation of the chief rules of christian polity and morality. They also demonstrated, that that which was true of the government under which they then lived, would be true of every other subsequent legislative union, which neglected to avail itself of the valuable lights and privileges of revelation.

CHAPTER VI.

THE ORIGIN AND PROGRESS OF POLITICAL LITERATURE,
CONNECTED WITH THE CIVIL AND STATE AUTHORITY
OF THE PAPACY, FROM THE CHRISTIAN ERA,
TO THE CLOSE OF THE TENTH CENTURY.

THE political power and authority of the church, and the opinions and principles on which they are founded, were of slow growth, and sprung chiefly out of the real and necessary circumstances in which European society was placed, for the long space of a thousand years, from the days of our Saviour and his immediate Apostles. The gradual extension of christian maxims, institutions, and modes of thinking, gave rise to the authority and every-day influence of the church; which, being long the creature of circumstances, was sometimes placed in opposition to, and sometimes in harmony with, the entire system of political philosophy and legislation. Public opinion began to be tardily formed; and at first was but faintly expressed; yet it strengthened with time, and became impregnated with a larger portion of the theological element, in proportion as christians themselves increased in number and influence in political and civil affairs. Inquiry, discussion, and contrariety of opinion, were the

natural consequences of this new order of things. The christian principle was, in fact, from the very first, an active and aggressive power against all the governments of the earth; and no benefits could ever possibly have been derived by mankind from it, had it not raised its voice, and battled for human liberty and justice, in a stern, authoritative, and uncompromising tone. It had great truths to proclaim, and great reforms to make; and these could not be accomplished, unless by taking on all occasions the initiative in human affairs, and obtruding, as it were, its own personal presence, into every active manifestation of civil and practical life.

The medium through which the Papal power has been viewed, has been commonly a theological one. The mere political and civil elements have been comparatively thrown into the back-ground by both general and ecclesiastical writers and historians. It is, however, to these elements that we wish to confine our attention; for, with questions of theology, or church government or ritual, we have nothing here to do. What we wish to trace are the rise and progress of the principles of religious toleration and freedom, of the several checks and stimulants they have at various times received, and of the gradual expansion of that sacerdotal power and influence which long shook the temporal thrones of the world, and was productive of innumerable important changes on the face of European society, many of which are still to be witnessed in every direction at the present hour. This is what we aim at, and what we shall attempt to execute, in as brief and plain a manner as possible. We cannot altogether avoid touching here and there on religious and his-

torical matter; but whenever we do so, it will be solely for the purpose of making our remarks and statements more strikingly obvious to the reader's attention, and not with the intention of passing any dogmatical opinion on questions, which lie beyond the sphere of what is commonly understood by political literature.

It is likewise necessary to observe, that what is called religious liberty or toleration, is composed of two ingredients, which are, however, under certain circumstances, often commingled together in various proportions; namely, one of a civil, and the other of a spiritual character. The first implies a freedom from temporal pains and penalties, of every cast and degree; and the other a removal from spiritual or intellectual coercion, authority, and bondage. The last element belongs to the province of theology proper, and can only be incidentally alluded to in these pages. The other ingredient comes directly within the sphere of politics, and gives rise to a code of laws, and to broad principles of philosophical investigation, which form an important and essential feature in the science of general governments.

We have, in a preceding chapter, referred to the influence of the writings of the Christian Fathers on political opinion generally. The numerous, though detached, attacks on heathen legislation, contained in these writings, produced a powerful effect on the understandings of men in the course of time; and gradually prepared the way for direct interference, on the part of the church, in the direction and improvement of civil affairs. The regular organization of the clergy; the numerous and interesting public discus-

sions on vital questions of doctrine and discipline; the public sympathy and interest manifested in their synods and councils; the inquiries and investigations, both directly and indirectly instituted, on the political questions of the day, at such numerous theological gatherings; the necessity imposed on all the clergy of looking to the practical operation of the broad principles of legislation, as they affected their own, and their people's lives and property; the learning, talent, and eloquence, displayed in the management of their own ecclesiastical affairs; the constant and emphatic appeals made to the common sense and common feelings of mankind, on whatever came home to their every-day necessities and duties; the heroic, and enlightened patriotism, displayed, in great national exigencies, by christian communities generally; all these, and a thousand additional sources of influence, gradually drew civil power into religious channels; a circumstance, which, when looked at from a certain point of view, may be justly and incontrovertibly pronounced as the first decided mark of improvement in the political progress of mankind.

What goes commonly under the denomination of *Papal authority*, was, then, originally the almost necessary result of christian influence on heathen systems of government. It was the embodiment of the protests, appeals, rights, and privileges, which took their rise out of the struggle christianity had to make for some centuries against long and firmly established systems of political misrule and oppression. The more widely the gospel scheme became extended, the more political power and influence it conferred upon those who were the delegated instruments of

guiding and directing its public movements and concerns. The active and stirring members of the church had religious constituencies, augmenting in number and authority year after year; and this gradually increasing power sapped the foundation of the old bulwarks of civil polity, and made them yield to the remonstrances and moral force of these zealous and rational innovators. The clergy and their flocks were, in fact, a christian republic, grounded on a novel set of political principles, rising into authority and independence, amidst the mass of barbaric and heterogeneous elements, which the old civilization of the world presented.

The Protestant mind of most countries, is apt to imagine, that the papal power was a cunningly devised scheme of government, which was launched, from its commencement, into being and activity, with all its full capabilities, and gigantic proportions. But this is a mistake. It was purely a thing of circumstances; and circumstances, too, of an ordinary and every-day character. There is nothing of the mysterious or marvellous about its origin and growth. It was created and nurtured by simple and natural means. It was not the intellectual offspring of any one individual, or set of individuals, nor, of any peculiar conjuncture of national emergencies. Some men, it is true, took a more prominent part than others in its development and regular organization; and some particular states of society facilitated its growth more than others; but, speaking generally, it owes its existence and extension to certain deep and hidden influences in the back-ground, which, under the existing circumstances of European governments,

for many years after the christian era, had no other mode of manifesting their power, but in some such way, or manner, as the early movements of the Papal authority displayed. Looking at the state of the world when christianity first made its appearance, and contrasting its ethical and political principles, with the profane philosophy and forms of government then existing, it is scarcely possible for us to conceive how two such antagonistic agencies should produce any other result, upon the face of political society, than that which we see the church produced, for the first thousand years of its external history. Here there was a real, and constant struggle for power, in the political relations of these two opposing forces; a struggle however, carried on by the intellectual weapons of discussion and public opinion.

There seems to have been a great and general decline among mankind of rational and sound political knowledge, prior to the appearance of Christianity. The political movements and sympathies of our race were paralyzed and checked by an impenetrable darkness, and unconquerable apathy. The Church, therefore, with its union of spirit and action, its regular forms of proceeding, its firm hold on the sentiments and feelings of the community, and by the learning and talents embodied in its entire structure, seems to our eye at the present day, to have been an instrument designedly fitted and employed for the elevation and improvement of mankind.

Of the systematic or formal records of these discussions, and of the evidence of this public opinion, we have, for the first thousand years of European

civilization, but few memorials, and these are, too, of a very scanty and meagre character.

The common theory adopted in reference to the supremacy and power of the Pope, when viewed through the medium of ecclesiastical history, is, that the Bishop of Rome, had, from the most remote ages of the church, possessed great authority and influence amongst its members; and on this account raised himself to a pre-eminence over his brother prelates, as one holding the first rank in the hierarchy. This power given to the Bishop of Rome was, however, only a relative and dependant one, and not of an absolute and perpetual character. He was merely considered in the light of a distinguished subject of the Emperor, who, when residing at Constantinople, governed Italy by an Exarch, who commonly resided at Ravenna.

For the first three centuries of the history of the church, there appears to have been no idea formed by religious bodies of any party, or by the church in its collective capacity, that the members of it, ought to exercise any political power, more than belonged to them as individual members of the state. The relations between the civil and ecclesiastical powers underwent a change after the time of Constantine, who re-organized the administration and discipline of the church. This prince divided the Roman world into four prefectures, and these again were parcelled out into dioceses and provinces. It was the general rule to graduate the scale of ecclesiastical dignity, to the nature and importance of the secular government of each of these leading or primary divisions.

It is scarcely conceivable how a Divine Revelation could be made to mankind without differences of

opinion and sentiment arising among them, as to some of its leading statements and objects. In conformity with this surmise, we find that the christian system was scarcely fairly promulgated by its Disciples and Apostles, when dissent crept in, and laid the foundation for some ecclesiastical or civil modes of dealing with the refractory and obstinate. The great and vital question of political and religious toleration takes its rise, therefore, out of the very first manifestations of the christian dispensation. Paul instructs Titus, Bishop of Crete, what line of policy he should follow towards heretics—that a man who persists in his heresy, after the first and second admonition, should forthwith be rejected; but the great Apostle of the Gentiles, does not follow this up with any coercive measures against the life of the disobedient. And when our Saviour, addressing St. Peter, gives his sentiments on the matter, he commands that a sinner shall be forgiven not only seven times, but seventy-times-seven; a declaration from which a large and liberal portion of liberty for dissent may safely and fairly be inferred.

The general comment of the sentiments of the early Fathers on the subject of religious toleration, is very explicit, and in favour of liberty of opinion. Tertullian, in his Apology, remarks, “It is a kind of impiety to take from me liberty in matters of religion.” And he elsewhere adds, “All men have a right to worship what divinity pleases them; and the religion of one man does neither good nor harm to that of another. It can be no part of religion to use compulsion in what respects religion, which ought to be embraced voluntarily and not by force.”

Cyprian thus writes, in an epistle which he addressed to Maximus,—“The Apostle, in his epistle to the Corinthians, says, that in a large house there are not only vessels of gold and silver, but of wood and earth, some to honour, and some to dishonour. Let us endeavour as much as we can, to be found amongst those of gold and silver. It is the sole prerogative of God to break the earthen ones. The servant cannot be greater than his Lord, nor should any arrogate to himself what the Father hath committed only to the Son, to winnow and purge the flour, nor to separate, by any human judgment, the chaff from the wheat.”—Lactantius observes, “There is no need of compulsion and violence, because religion cannot be forced; and men must be made willing, not by stripes, but by arguments. Slaughter and piety are quite opposite to each other; nor can truth consist with violence, or justice with cruelty. They are convinced that nothing is more excellent than religion; and therefore, think that it ought to be defended with force; but they are mistaken, both in the nature of religion, and in proper methods to support it; for religion is to be defended, not by murder, but by persuasion; not by cruelty, but by patience; not by wickedness, but by faith. If you attempt to defend religion by blood, torments, and evil, this is not to defend, but to violate and pollute it; for there is nothing that should be more free than the choice of religion, in which, if consent be wanting, it becomes entirely void and ineffectual.”*

We are told that Eusebius displayed great liberality

* Tertullian, *Apologia*, chapt. 24. Cypriani Opera, Epis. 51. Lactantii Opera, lib. 5. Limbarch's Hist. of the Inquisition.

of sentiment towards those who differed from him on some essential points of religious doctrine ; for that after endeavouring in vain to persuade Anicetus, Bishop of Rome, to embrace his opinion, gave him, notwithstanding, the kiss of peace. And it is further stated by Irenæus, that though Polycarp was much incensed against the supporters and abettors of the Gnostic heresy, he nevertheless was successful in converting numbers of them by facts and arguments submitted to their candid consideration and inquiry.*

In proportion, however, as the church gained outward power and strength, in nearly the same degree did she become more tenacious of a unity of faith and ritual, and more decidedly disposed to check liberty of conscience, and narrow the sphere of dissent. The Arian controversy was carried on with great bitterness and illiberality of sentiment ; and the assembly of the Council of Nice engendered a spirit of persecution and intolerance which the previous history of the church had not hitherto manifested. The Nicene Creed was here framed and adopted, which enjoined, that all should receive it as divine truth, and that dissentients should be declared accursed, and cut off from the society and privileges of christians. This act of compulsion excited angry feelings, checked calm and rational inquiry, and opened the door of violence and persecution. The orthodox bishops used their influence in every direction with the reigning emperors, to take an open and decided part in the controversy ; and to bring into the field all the civil weapons and appliances which their temporal power supplied, to subdue the stubborn and refractory spirits

* Euseb: Hist: Ecc: lib. 5.

of the day. Many of the imperial authorities entered into the views of the predominating party, and seemed eager to gratify the furious and bigotted passions of the clergy, who never ceased to invoke the arm of civil power, as the most hallowed and sacred instrument they could employ in the work of sincere and rational conviction.*

In the voluminous and influential writings of the celebrated St. Augustine, Bishop of Hippo, we find many passages which breathe an intolerant and persecuting spirit. In the early part of his life he had entertained liberal opinions; but his acerbity of disposition seems to have increased as he advanced in years. He says, "I have written two books against the Donatists. In the first, I declared that I did not approve that schismatical persons should be compelled to communion by any secular power. The reason was, because I had not then experienced the great mischief which would arise from their impunity, nor how much good discipline would contribute to their conversion." This good discipline, he defines thus, "My first opinion was, that none were to be forced to the unity of Christ; but that they were to be dealt with by words, fought with by argument, and overcome by reason, lest they who were once open heretics should become feigned catholics." Afterwards he departed from this honourable creed, and in addressing the heretics of his time, he says, "Should you be allowed to make free contracts in buying and selling, and yet dare to divide amongst yourselves what the betrayed

* See Socrates, *Hist: Eccle: lib. 1.* Venema *Institutiones*, vol 4. Theodosian code, *Enactments against heretics*, No. 2, 3, 9, 13, 14, 19, 32, 53. Jablonski, *Institutiones*, vol 1.

Saviour bought for us? Can it be unjust to banish you from the land of your body, when you endeavour to banish Christ from the kingdom of his blood? No, let the kings of the earth serve Christ by making laws for Christ,—what! doth it not belong to the pastoral care to recover to the Lord's flock those sheep when found, by the terrors of stripes, or even pains if they resist?"*

Augustine had, however, a great objection against persecution being in any case turned against himself or those who adopted his own creed. He says, "If, therefore, we will acknowledge the truth, that is an unjust persecution which the wicked make on the Church of Christ, and that a just persecution which the Churches of Christ make on the wicked; so that the church is blessed which suffers persecution for righteousness sake, and they miserable who suffer persecution for unrighteousness. Besides, the church persecutes by love, they by rage; she that she may correct, they in order to overthrow; she that she may recal error, they to force others into it. She persecutes and apprehends enemies, to cure them of their vanity, and to advance the truth; they return evil for good; and, because we consult their eternal salvation, endeavour to deprive us of temporal safety."

St. Athanasius denounces persecution for religious opinions as a diabolical invention; and he has presented us with eloquent and moving recitals of the cruelties perpetrated on the Arians.

When the Emperor Julian, called the Apostate, ascended the imperial throne, he announced his intention of permitting all his subjects to exercise their own

* Opera, Epist. 48, 50.

judgments in matters of faith, and to practice what religious forms they pleased, provided they preserved the public peace. He is said to have taunted the followers of christianity with the declaration, "that he found by experience that even beasts are not so cruel to men, as the generality of christians were to one another."

From the days of Julian to the end of the period embraced in this chapter, there were many members of the christian church who denounced the practice and principles of intolerance in their several writings. In the ninth century, when the Emperor Michael passed sentence of death upon the Manichæans, and the Pauliciens, many of the clergy raised their voices against it, on the ground that it was unlawful for the church to condemn the impious to a loss of life, because the Deity delights in their amendment and conversion, and that Christ had forbidden his disciples to root out the tares which spring up among the wheat.*

The two Bulls, ascribed to Gregory 1st, (593), contain the doctrine of excommunication against all who transgress the precepts of the Holy See. Gregory is represented as saying:—"If any King, Bishop, or Judge, shall presume to infringe the decrees of our Apostolical authority, or transgress this our command, let him be deprived of his honour and dignity; let him be cut off from the communion of Christ; let him be loaded with all the anathemas and curses that have been thundered against infidels and heretics, since the creation of the world, to the present day; let him be for ever damned in the bottom of hell, with Judas, the

* Venema Institu; vol. 5, p. 437.

betrayed of our Lord."* The authenticity of these Bulls is denied.†

The immediate successors of Constantine, Valentinian, Gratian, Theodosius, Arcadius, and Honorius, adopted the precepts and maxims of intolerance, and perpetrated great cruelty and injustice in carrying out their erroneous ideas on the necessity and possibility of uniformity of faith. Theodosius published fifteen, Arcadius twelve, and Honorius eighteen statutes against heretics. These are preserved in the Theodosian and Justinian Codes to this hour.

Thus we see, that the great principle of the right of private judgment in matters of religious belief, was subjected during the period of history of which we are now treating, to great changes and vicissitudes. Doctrines of faith were defined and promulgated by theological councils, and then the civil power was invoked to secure what was the great thing aimed at,—a perfect uniformity of belief and practice among all professing christians. This craving for perfect harmony was the grand delusion of the times of which we are now speaking. It led even able and good men to deviate from those vital principles of rectitude and duty, alike proclaimed by reason and revelation. This departure from the maxims of sound policy poisoned some of the leading springs of political philosophy at their source, and was likewise productive of an immense mass of cruelty and suffering in the christian world, during many subsequent generations.

From the time of Constantine, till about the middle of the eighth century, the power of the Church had

* Bower's Hist. of the Popes, vol. 2, p. 501. + See Cook's Censura, London, 1628.

been daily making encroachments on the rights of sovereigns, chiefly, however, through the turn which several disputes of a theological nature had taken. The principles of intolerance had, during this period, been more boldly, and unreservedly announced by the Papal chair; but still Popes did not altogether suppress the rights of individual judgment, nor coerce with so fierce a hand as they did afterwards, the dissentients against their opinions and decrees. Amongst the first decided attempts of the Popes, to seize hold of absolute political power, was that wherein Pepin, son of Charles Martel, conceived the design, in 751, of dethroning the feeble monarch, Childeric III., under whose authority he acted as prime minister. In order to secure his movements, Pepin solicited the advice of Pope Zachary, who told him, "that he ought to be called King, *who possessed the power*, rather than he who, without royal power, possessed *only the titles*." The feeble Childeric was consequently deposed, and confined in a convent, and Pepin declared King in his stead.

The next great movement for abstract political power was made by Pope Stephen, Zachary's successor. In 753, Aistulphus, King of Lombardy, conquered and took possession of the Exarchate of Ravenna, and after this, dispatched a messenger to Rome, demanding the submission of its inhabitants to his authority. Stephen being alarmed at this encroachment of power, sent an agent to the Emperor, at Constantinople, to solicit assistance, and to aid in the repelling of the threatened invasion. The Emperor however, did not enter into the spirit of the invocation from Rome; and in this dilemma, Stephen resolved to

apply to Pepin, King of France, who had already received such signal favours from Stephen's predecessor, Zachary. This application was more successful. Pepin crossed the Alps, and with a powerful army vanquished the King of Lombardy; and Stephen had the adroitness of getting the conqueror to assign the produce of his victories, not to the Emperor, *but to be possessed by St. Peter and his disciples*. The Lombard monarch signed the treaty to deliver up to the Pope the Exarchate, "with all the cities, castles, and territories thereto belonging, *to be for ever held and possessed, by the most holy Pope Stephen, and his successors in the Apostolic See of St. Peter.*"

This treaty, though signed, was not fulfilled. As soon as Pepin returned to France, the King of Lombardy turned round again against Pope Stephen, who had no resource left but to call afresh upon Pepin for assistance, which he did in the following words. "To defend the church, is, of all works the most meritorious; and that, to which is reserved the greatest reward in the world to come. God might himself have defended his church or raised up others to maintain and defend the just rights of his apostle St. Peter. But it pleased him to choose you, my most excellent son, out of the whole human race, for that holy purpose. For it was *in compliance with his divine inspiration and command* that I applied to you, that I came into your kingdom, that I exhorted you to espouse the cause of his beloved apostle, and your great protector, St. Peter. You espoused his cause accordingly; and your zeal for his honour was quickly rewarded with a signal and miraculous victory. But my most excellent son, St. Peter, has not yet reaped

the least advantage from so glorious a victory, though owing entirely to him. The wicked and perfidious Aistulphus has not yet yielded to him one foot of ground; nay, unmindful of his oath, and actuated by the devil, he has began hostilities anew, and, bidding defiance both to you and St. Peter, threatens us, and the whole Roman people, with death and destruction, as the Abbot Fulrad and his companions will inform you."

This letter not having been attended to so promptly as the pontiff anticipated, he grew impatient, and made use of one of those pious frauds, which have been justified by some casuists as allowable on great and pressing state emergencies. This was to send a letter to Pepin, from St. Peter in Heaven, beseeching the immediate interposition of the French King, for the preservation of Rome. The superscription to this document is as follows:—" *Simon Peter a Servant and Apostle of Jesus Christ*, to the three most excellent kings, Pepin, Charles, and Carloman; to all the holy bishops, abbots, presbyters, and monks; to all the dukes, counts, commanders of the French army, and to the whole people of France: Grace unto you, and peace be multiplied." The letter then proceeds thus:—" *I am the Apostle Peter*, to whom it was said, Thou art Peter, and upon this rock, &c. Feed my sheep, &c. And to thee will I give the keys, &c. As this was all said to me in particular, all, who hearken to me and obey my exhortations, may persuade themselves and firmly believe that their sins are forgiven them; and that they will be admitted, cleansed from all guilt, into life everlasting. Hearken, therefore, to me, *To me Peter the Apostle* and servant of Jesus

Christ; and since I have preferred you to all the nations of the earth, hasten, I beseech and conjure you, *if you care to be cleansed from your sins, and, to earn an eternal reward*, hasten to the relief of my city, of my church, of the people committed to my care, ready to fall into the hands of the wicked Lombards, their merciless enemies. It has pleased the Almighty that my body should rest in this city; the body that has suffered for the sake of Christ such exquisite torments: and can you, my most christian sons, stand by unconcerned and see it insulted by the most wicked of nations? No, let it never be said, and it will, I hope, never be said, that I the Apostle of Jesus Christ, that my Apostolic Church, the foundation of the faith, that my flock, recommended to you by me and my vicar, have trusted in you, but trusted in vain. OUR LADY, THE VIRGIN MARY, MOTHER OF GOD, *joins in earnestly entreating*, nay, commands you to hasten, to run, to fly, to the relief of my favourite people, reduced almost to the last gasp, and calling in that extremity night and day upon her and upon me. The thrones and dominions, the principalities and the powers, and the whole multitude of heavenly hosts, entreat you, together with us, not to delay, but to come with all possible speed, and rescue my chosen flock from the jaws of the ravening wolves ready to devour them. My vicar might, in this extremity, have recurred, and not in vain, to other nations; but with me the French are, and ever have been, the first, the best, the most deserving of all nations; and, I would not offer the reward, the exceedingly great reward, that is reserved, in this and the other world,

for those, who shall deliver my people, to be earned by any other.”*

After this affair of Pepin and Pope Stephen, we come to the times of Charlemagne, who had, by great military achievements, subjected nearly the whole of Europe under his power and sway. He was highly instrumental, by various acts of his government, in strengthening the temporal and political power of the Church. When he visited Rome, in the year 800, for the purpose of vindicating his authority in some act in which Pope Leo III., was implicated, he called together the entire body of the clergy and nobility in the church of St. Peter; and when he intimated that he came there for the purpose of examining into certain charges made against the Papacy, the Archbishops, Bishops, and Abbots exclaimed, with one voice, “We dare not judge the Apostolic See, the head of all Churches. By that See and its Vicar, we are all judged, *and they by none.*” The matter however, was healed up, by the Pope offering to take a compromising oath, which, for the time, satisfied the formal demands of the court.

A few weeks after, Charlemagne was solemnly crowned and proclaimed Emperor *by the Pope* in person. Whilst the gorgeous and pompous ceremony was going on, Pope Leo advanced, and placed an imperial crown on the Emperor’s head; when the people exclaimed, “Long life and victory to Charles Augustus, *crowned by the hand of God*; long live the great and pious Emperor of the Romans.”

About the same time that curious document, *the Donation of Constantine*, made its appearance, under

* Codex Carolinus, Epist. 7.

the authority of the Church. This *Decretal* contained a donation from the Emperor Constantine the Great, in the year 324, of the city of Rome, and all Italy, with the crown, mitre, &c., to Silvester, then Bishop of Rome. The following are abstracts from this singular document. "We attribute to the chair of St. Peter, all *Imperial dignity, glory, and power.* * * * Moreover, we give to Silvester, and to his successors, our palace of Lateran, incontestably one of the finest on earth; we give him *our Crown, our Mitre, our Diadem*, and all our Imperial vestments; we resign to him the Imperial dignity. * * * We give as a free gift to the holy Pontiff the city of Rome, and all the western cities of Italy, as well as the western cities of the other countries. To make room for him, we *abdicate our sovereignty* over all these provinces; and we withdraw from Rome, transferring the seat of our empire to Byzantium, *since it is not just that a Terrestrial Emperor shall retain any power where God has placed the head of religion.*"

Mr. Gibbon has the following remarks on the nature of this *Decretal*. "By an epistle of Pope Adrian, I., to the Emperor Charlemagne, he exhorts him to imitate the liberality of the great Constantine. According to the legend, the first of the christian emperors was healed of the leprosy, and purified in the waters of baptism, by St. Sylvester, the Roman bishop; and never was physician more gloriously recompensed. This royal proselyte withdrew from his seat and patrimony of St. Peter; declared his resolution of founding a new capital in the east; and *resigned to the popes the free and perpetual sovereignty* of Rome, Italy, and the provinces of the West. This fiction

was productive of the most beneficial effects. The Greek princes were convicted of the guilt of usurpation; and the revolt of Pope Gregory was the claim of his lawful inheritance. The popes were delivered from their debt of gratitude: and the nominal gifts of the Carlovingians were no more than the just and irrevocable institution of a scanty portion of the ecclesiastical state. The sovereignty of Rome no longer depended on the choice of a fickle people; and the successors of St. Peter and Constantine were invested with the purple and prerogatives of the Cæsars. So deep was the ignorance and credulity of the time, that this most absurd of fables was received with equal reverence, in Greece, and in France, and is still enrolled among the decrees of the canon law. The Emperors and the Romans were incapable of discerning a forgery that subverted their rights and freedom; and the only opposition it met with, proceeded from a Sabine monastery which, in the beginning of the twelfth century, disputed the truth and validity of the donation of Constantine. In the revival of letters and liberty this fictitious deed was transpierced by the pen of Laurentius Valla, an eloquent critic and a Roman patriot. His contemporaries of the fifteenth century were astonished at his sacrilegious boldness; yet such is the silent and irresistible progress of reason, that before the end of the next age, the fable was rejected by the contempt of historians; though by the same fortune which has attended the Decretals and the Sybylline oracles, the edifice has subsisted after the foundations have been undermined."

The theory of government now advocated by the Clergy, and the Ecclesiastical Canonists of the day,

was substantially and simply this:—that Sovereigns were invested with a two-fold authority—of being champions of the great truths of the Gospel, and of being civil and political rulers. The latter office was of less importance than the first; inasmuch as the soul is more valuable than the body. The decrees of Emperors and Kings, became, in consequence, invested with all the power of divine inspiration itself. They were God's viceregents, and especial instruments for the ruling of nations.

We have here given a rough and brief sketch of the rise and progress of two constituent and important elements of political philosophy; the rights of private judgment in matters of religious belief, and the outward influence of the Church upon the privileges and movements of independent States. Limited as this statement is, it will not, we trust, be without its use, in our future progress, when we come to treat of authors and times, possessing more learning and science, than were at this period to be found in European society.

CHAPTER VII.

ON THE PUBLICATION OF CERTAIN CODES OF LAW, FROM
THE CHRISTIAN ERA TILL THE DAYS OF CHARLEMAGNE;
AND ON THEIR INFLUENCE ON THE SPIRIT OF
POLITICAL LITERATURE GENERALLY.

THE promulgation of the various civil codes, which took place at certain intervals, from the time of the Apostles to the days of Charlemagne, and which enter so largely into the history of European civilization, exercised a powerful influence over the fortunes of political literature generally. These codes were the materials on which subsequent politicians and legislators reasoned and acted. It is true, that in several of these, we find but a slender stock of constitutional maxims or principles; for the great mass of their provisions relate more to individual than to public right or obligation. But such principles of government as were embodied in them, were of essential importance, both on their own intrinsic merits, as well as in relation to the office they fulfilled, that of consolidating the general views of mankind on these abstract points of political speculation, of a comprehensive and philosophical character.

An important circumstance took place about the middle of the sixth century, relative to the Roman

law. This was the memorable enterprise of the Emperor Justinian to reform and digest the civil jurisprudence of imperial Rome. Such a reformation was much needed. The entire mass of legal decisions and rules was in a state of the most chaotic confusion and disorder; so much so, indeed, that it had become almost an impossible undertaking, for even the most highly gifted lawyers to say, what was, or was not law, even on vital questions of legal and constitutional policy. A thousand eventful and chequered years had rolled over the heads of the Roman people since the original enactment of the *Twelve Tables*; and during this time the Edicts of the Emperors had been constantly increasing at a rapid ratio; so that the entire system of jurisprudence had swollen into countless volumes, of variable authority, and the opinions and judgments of the several courts of the kingdom became one interminable medley of confusion, uncertainty, and disorder.

To lighten in some measure, this burden, which hung round the neck of the nation like a millstone, Justinian set himself with order, judgment, and perseverance. The chief aid he called to his assistance was Tribonian, a renowned lawyer, whose genius and knowledge were in every respect equal to the stupendous undertaking. There were nine other jurisconsults joined with him in the work, and under his authority and control.

The first thing these legal reformers undertook, was a revision of the imperial ordinances. A selection was made of them, so as to give a determined unity and harmony to the whole; and contradictions and superfluities were unceremoniously expunged from the

mass. This work was comprehended in twelve books; was accomplished in the brief space of fourteen months; received the signature of the Emperor; was designated the *Justinian Code*; and proclaimed as the universal law of the empire.

A still greater labour was yet to be performed. This was the composition of a general *Commentary* on the spirit and substance of the whole body of Roman jurisprudence; and to deduce uniform and consistent judgments from the whole mass of contradictory opinions and decisions of the first civilians; and to extract, and arrange, from their most celebrated publications, such approved and consistent rules and principles, as would confer on law the logical consecutiveness of a scientific department of human study and inquiry. This herculean task was executed by Tribonian, with the assistance of an increased number of associates, in the space of three years, and received the formal ratification of their imperial master. This commentary is known under the name of the *Institutes of Justinian*; and embraced in four books the elementary principles of law, and requisite definitions for explaining their nature and application.

To these *Institutes*, there were added the *Pandects*, in fifty books, which were designed to supercede the various and unwieldy texts of antiquity, of which they formed abridgments or abstracts. These three works, the Code, the Institutes, and the Pandects, constituted this full and complete digest of the laws of Rome; and all legal science or wisdom was henceforth to be considered as embodied in this celebrated and triple compilation, commentary, or digest.

This improved and extensive system of legal and

constitutional knowledge did not, however, suffice to satisfy the cravings of the people for legislative innovations. Comprehensive as the system was, it was found to be deficient by Justinian himself; and he promulgated many supplementary additions to it during his long reign, under the title of *Novels*. These Edicts, so called, were collected after his death, and their authority added to the Code, the Institutes, and Pandects, formed that famous body of jurisprudence known under the common denomination of *The Civil Law*.

This immense collection of political maxims, and legal principles and rules, produced a great and decided change on the mode of discussing and treating general questions of public interest. It became a common standard of appeal and reference, both for the student of law, and the philosopher; for the theologian and the constitutional politician. It concentrated human speculation on the science of government; and though rude and harsh in many of its prominent enactments and declarations, still it embodied a great mass of wise and wholesome philosophy. It lay, however, comparatively dormant for several centuries after the days of its founder, Justinian; but was revived with great splendour, in after times, of which we shall give some account, in a more advanced stage of this work.

The fundamental principle which Justinian himself entertained of the nature of all law, was that it had the constitution of human beings for its basis. "When we speak of law," says he, "we mean that of the Romans, as, when the poet says, the Greeks mean Homer,—the Romans Virgil;—each nation has

its own peculiar laws, and each calls his own the civil law." He then goes on to state, that there are principles common to all law—the dictates—not of what he terms natural law—but of man's reason exercised on the subject;—which he calls the *jus gentium*, "quasi quo jure omnes gentes utantur."

On the general tendency of the philosophy of the *Civil Law*, various opinions have been entertained. It is not certainly in its ordinary aspect friendly to the liberty of the subject. It is deeply impregnated with the arbitrary spirit of monarchical despotism. The fact is, that it was a system of legislation for a comparatively barbarian and heathen people; and the spirit and influence of the christian code had not, at the time of Justinian, nor for long after his day, penetrated its harsh and colossal fabric, so as to mollify and soften its rigorous and inhuman provisions.*

The study, however, of the Roman law in itself, is a noble and improving exercise, even for the ordinary politician. He is instructed in the natural rights of men, and the foundations of society. We have the recommendation of Locke for its utility in this respect. "This general part," says he, "of civil law and history is a study which a gentleman should not barely touch at, but constantly dwell upon and never have done with. The civil law concerns not the chicane of private cases, but the affairs of civilized nations in general, grounded upon principles of reason."—"A young man so instructed may turn loose into the world, with great assurance that he will find employment and esteem everywhere."† Again he says in

* One of its famous maxims is "Quod principes placuit, legis habet vigorem." † Tractate of Education.

reference to the value of legal studies generally, "Law, in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest; and prescribes no further than for the general good of those under that law. Could they be happier without it, the law, as a useless thing, would of itself vanish; and that ill deserves the name of confinement, which hedges us in only from bogs and precipices. So that, however it be mistaken, the end of law is not to abolish and restrain, but to preserve and enlarge freedom; for, in all the states of created beings capable of laws, where there is no law there is no freedom."*

It has been a topic of controversy among lawyers, and writers on constitutional politics, as to what was the exact meaning of the celebrated Ulpian, when in his definition of the *Lex Regalis* of the Romans, he affirmed that the Emperors *were above the laws*? He says, "the Prince is discharged from the obligation of observing the laws, the Prince her husband communicates his privileges to her."† One party of the reasoners maintain that a Prince to whom a pure and simple sovereignty has been granted, without any stipulations, and much more one to whom a people have submitted as to an absolute master, is placed entirely beyond the obligation of any law whatever. His will, in all cases, must be the supreme authority.

On the other hand, it is contended, that the laws here contemplated by Ulpian, are the *civil laws*, and not the general and comprehensive *laws of nature*, on which even the Roman codes are professedly es-

* Of Civil Government. + Digest. lib. 1, Tit. 3.

tablished. The Emperors were empowered to make laws in whatever manner they thought fit; either by *Constitutions*, *Rescripts*, or *Edicts*, but the Roman people did not disengage them from the indispensable obligation of that just, primitive, and sovereign law, on which the common good of mankind is based. This limitation of the Imperial power by the people, as thus interpreted, is confirmed by the testimony of historians. Ammianus Marcellinus says, speaking of the revolution that had happened in the government of the State, that the Roman Republic, being in her declension, discharged herself of the public laws on the Emperors, as on her children, *acting in that like a good, prudent, and rich, and not like a senseless and unnatural mother*.^{*} Lactantius, speaking of the pride and insolence of the younger Maximian imitating the tyranny of the Kings of Persia, says, "After having conquered the Persians, among whom it was a settled custom that subjects should submit to a despotic domination, and Kings treat their people like slaves, this wretch would have introduced the like customs in the dominions of the Roman Empire."[†] In the fragment of *Lex Regalis* in the palace of St. John Lateran, it is said:—"Let Vespasian be empowered to do whatsoever he thinks fit for the advantage of the commonwealth, and agreeable to the majesty of things, Divine and human, public and private, as the Emperors Augustus, Tiberius, Julius Cæsar and Claudius, were empowered to do." The trust here confided is the same, it is contended, as that which is confided to an attorney who has general affairs to manage; to regulate them in such a manner as shall be best

^{*} Lib. 14, cap. 16. [†] De Mortibus, chap. 24.

conducive to the real interests of the parties for whom he has undertaken the trust.*

Besides the entire body of the Roman law, there were other foreign codes, which formed important elements in the progress of political science. These we shall briefly notice.

The *Salic Law* was not reduced to writing till about the seventh century, and was published by the Salian Franks who inhabited Belgium. But all the traditions of this and the following century go to prove that the code, in its unwritten form, had long been the common law of the people in this part of Europe. It embraces an immense mass of rules, enactments, and decisions, made by some individual, but without anything approaching to systematic order or arrangement. The greater part of it relates to the punishment of offenders against the law by pecuniary mulct or compensation. The law of debtor and creditor is laid down with considerable minuteness. The code likewise contains some constitutional or primary principles of government; two of which are important—that land should not be inherited by females; but only by male heirs—and the recognition of the independence of the people, both in judicial and legislative proceedings.

Some authors place the *Ripuary Code*, or system of laws, at a later date than the Salic. The principles and maxims of civil rights are, here, pretty fully developed, as well as those of criminal jurisprudence. Pecuniary compensation for offences, is universally insisted on. The Ripuary law was reduced to writing about the year 630, and is sanctioned by the authority

* See this matter learnedly handled by Granovius, in his "Oration on the *Lex Regalis*," Leyden, 1640.

of the King, (Dagobert,) the Prince of the state, and the Merovingian people generally. This code contains provisions for the legal enfranchising of slaves, which had at this time commenced, chiefly, however, among the clerical body. The code contains, likewise, some constitutional maxims of a liberal and enlightened character.

The *Burgundian Code* is dated anterior to both the Salic and Ripuary digests. It is said to have been published in 501, by Gondebaut. It contains a series of enactments on legal and legislative affairs; such as relate to civil contracts, marriages, the laws of inheritance, as well as that important privilege which this code enforces, that the Burgundians and Romans were to be placed, in the eye of the law, upon one and the same footing. This forms a striking feature in contrast to the Salic and Ripuary codes, which maintain the inferiority of the barbarian element to the Roman citizens. This Burgundian code existed for about two centuries after the conquest of the Burgundians by the Franks, which took place in the year 634.

The *Visigothic Code* is considered the most enlightened and improved of all the barbaric systems of law. It was first collected and digested by Euric, by whose authority the Gothic branch of it was published in the fifth century. Alaric II. furnished the Roman portion of it in 506. Both these divisions or parts, were moulded into one system in the seventh century, by the Visigoths who had settled in Spain, in 652. About half a century afterwards, great improvements and attentions were made in this code, chiefly by the clerical body; and it was formally published by the

Council of Toledo, in the year 693. It embodied constitutional principles of great value, and many enactments bearing on the organization and management of municipal institutions. The crown and the church were both considerably strengthened in their respective powers and privileges; but as a counterbalancing principle to the augmentation of these functions, the code placed the Barbarian and the Roman on precisely the same level, in point of civil and legislative rights.

The introductory maxims or statements, prefaced to the enumeration of the laws of this code, are worthy of particular notice. The first relates to the qualifications of a legislator, as a religious and moral being. He ought to be mild, and good; not in words only, but in deeds and in truth. He should be merciful and compassionate, and continually rule with the fear of God before his eyes. He must know nothing of anything save the public good.

It is also stated that law of all kinds should possess perspicuity and brevity, and be made as free from excessive refinements and contradictions as possible. It ought to be comprehensive, adapted to all places and times, and enacted for all ranks and situations of the people. If law be made to make manifest the things of God, and to show the rule of life; if it produce good manners, good government, and a love of justice; if it teach virtue, and prove a safeguard to the liberties of the people, national evil will be diminished, and the good and peaceable part of the community will dwell in social happiness and comfort; contentions will cease, and the unanimity which every way prevails, will enable the nation to overcome

every foreign aggression. Hence it may be affirmed that a wise and good legislator, and wise and just laws, mutually act and react upon each other. If the legislator be endowed with the requisite qualifications, both of head and heart, the laws cannot fail to be good and beneficial; from good laws arise good customs; from good customs harmony and peace; and on these rest real national happiness and security.

When laws are founded upon these principles they become obligatory on every member of the state, high and low, rich and poor. "God is the first law giver; His commands are imperative not only on men, but on angels; and if the celestial hierarchy itself is thus submissive to his decrees, with what reason can the most powerful of mortals refuse obedience? Where knowledge is to be acquired, ignorance can be no excuse. The prince is the heart of the body politic, but if the heart be diseased, the members cannot but be unsound; if he disregard the laws, he cannot rely upon obedience from others. As he is more interested than any other person in the well-being of the state, so ought he to be more diligent in fulfilling his share of the social contract."

In the second book respecting judges, the administration of the laws, and the forms of processes, it contains the following general summary. The duties of subjects towards each other, the preservation of their natural rights, and a redress of their grievances, constitute the leading objects, for which all law is instituted. The law ought not only to be good, abstractedly considered, but well administered. To obtain this end, it must be confided to a competent and responsible authority, under the designation of

judges. These civil functionaries, are to be appointed by royal authority, or by the governor of some local city or province. If appointed by the latter power, they must be subordinate to those appointed by the King, who travel from province to province in dispensing justice, and upholding the laws. Both local and general judges of assize, may confide their powers to persons qualified to discharge the duties of their office; but if a person takes upon himself these duties, without proper authority, and is incompetent to the effectual discharge of his judicial functions, he must pay one pound of gold, and be answerable for his decisions; and the public officers who do his orders, shall be subjected to the punishment of one hundred stripes. To prevent this as much as possible, judicial responsibility must be defined with every degree of accuracy. If a judge be applied to for a process against any one, and the former, through partiality to the defendant, or any other cause, refuse to issue it, the plaintiff, by proving the neglect, subjects the judge to the same penalty, as would have been inflicted upon the defendant, supposing that he had been found guilty of the charge preferred against him. If a judge pass an unjust sentence, and deprive any subject of the realm of anything, that thing shall be restored, and its full value given to the person by the judge himself; and if the value of this thing be more than the judge can pay, he shall be mulcted of all his possessions; and if he be without any property at all, he shall be doomed to receive fifty stripes in public. Whatever expense a judge occasions by unnecessary delay, he shall pay out of his own resources. If a client entertain suspicions as to the

integrity of his judges, or conceive he is obnoxious to them, he may demand to be tried in conjunction with the bishop of the diocese, and if he be still dissatisfied with the verdict, he has another appeal to the governor of the province, or to the King himself; and if the judgment be unjust the judge shall be responsible for it; but if, on the other hand, the complaint be groundless, the appellant shall be condemned to the same penalty, or receive one hundred lashes before the same tribunal he has slighted. The fees of judges shall in no case exceed five per cent. on the value of the property under litigation; if more be taken, he shall restore it twofold, and loose all claims to reward. The share of the executing officers shall be one-tenth, and if the same is exceeded, they shall be subjected to the same penalties as the magistrates. Judges must be independent; and if they give a wrong or unjust decision through fear of the King, it shall be corrected, but the judge himself shall be screened from harm, by making oath that he committed wrong or injustice through the influence of fear, and not from his own will or desire. The bishops of God are to be considered as the especial guardians of the poor; and may demand of judges who have decided wrongfully, (whether wilfully or through fear) to re-hear the case before them, and if a refusal is given, the bishops may re-hear and decide the case without the judges; but the former are compelled to send written statements of the case, and of their amended judgment to the king, who has the sole power to confirm that decision should he think it right. Judges may be cited to appear before other judges, or before the king, or his deputy, to

answer whatever complaints may be brought against them.

In addition to these several codes, we must also mention the *Lombard Laws*, which were first reduced to writing by Rotharis, in the middle of the eighth century. This legal edict contains 386 laws; and some additions were afterwards made to it by his successors Grimwald, Luitprand, Rachis, and Astolpho. This code became very extensively known; and when compared with the barbaric systems, it has always maintained a decided preference, both for the perspicuity of its arrangements, and the justice and wisdom of its enactments. These laws being promulgated and abridged at the general assemblies and diets, there was naturally breathed into them, a liberal and popular spirit; and matters bearing on legislative principles of vital import, were considered with that due care and deliberation befitting their national importance.

CHAPTER VIII.

MISCELLANEOUS POLITICAL WRITERS, FROM THE CHRISTIAN ERA, TO THE END OF THE NINTH CENTURY.

OUR object in this chapter is chiefly to notice some political writings which are neither directly connected with theological doctrines and discussions, nor with the general cultivation of the scholastic philosophy as a whole. These writings, though scanty, are nevertheless interesting, as connecting links in the progressive cultivation of political literature, as well as from the value of many of the abstract principles they contain, on the nature and origin of governments, and on constitutional polity generally.

In the times of our Saviour, and indeed both before and after, there were speculative and philosophical sects in the east who paid marked attention to political doctrines, and propounded theories of government on certain views of the nature of the social contract. The Essenes were one of these sects. Philo, Josephus, and Pliny, give some details of their opinions on political and civil institutions. The Essenes were smitten with a love of Arcadian simplicity and innocence of life. As a grand means of fulfilling this day-dream, they maintained the doctrine of a perfect community of

goods. They had no towns, but were scattered throughout the entire land of Judea; and when they wandered from place to place, were supported by the voluntary and gratuitous contributions of the faithful of the community. They never looked beyond the possession of the mere necessities of life. The amassing of wealth they thought criminal, and so likewise were their views on war. Regal government they considered a direct and flagrant usurpation; and trade and commerce they held to be the great incentives to avarice, luxury, and degeneracy of character. All men were free and equal, and were united by the ties of a common nature and a sympathetic affection. Servitude and slavery were both abhorrent to their views. Members living in any particular locality assembled under one roof, and, like the inhabitants of Sparta and Crete, had their food in common. The Essenes practised the utmost simplicity in dress, and were punctiliously pious and grave in their deportment. Marriage was not considered creditable; and their numbers were recruited from converts, and the adoption of children, who were carefully instructed in their own peculiar opinions and usages. On this point of marriage, there were, however, differences among them; some considering it both lawful, and necessary. The subject of education generally was in their eyes of great importance. Their system of tuition was confined chiefly to the strengthening and invigorating of the body by exercise and proper diet, and to the cultivation of the moral sentiments and affections. Philo tells us that "they formed themselves to sanctity, to justice, to domestic economy, and to social duties, by regulating themselves upon three principles which con-

tained all their doctrines ;—*Love of God, love of virtue, love of mankind.* Their love of God proved itself by their purity of life, by their chastity, and by the anxiety which they displayed to fulfil all their relative duties to the Deity. Their love of virtue displayed itself sufficiently in their contempt of wealth, of pleasure, of vain glory, and also in their patience, in their frugality, in their temperance, in their simplicity, and in their respect for the laws ; while their love to their neighbours they proved by their benevolence, their equity, their charity, and by a system of community in which there was no interest to be covetous.”

ONOSANDER, a Greek writer, who flourished about the middle of the first century, wrote several commentaries on the political works of Plato. These have not come down to our time. They are reported, however, to have been all labours of considerable merit.

PHILO* THE JEW.—This author flourished in the first century of the Christian era. He was the author of several works ; but those which relate to the laws of Moses, are the only ones we need here allude to. These are divided into several books ; but the general scope of the author’s political ideas is, that the laws of Moses, in all their general and fundamental attributes and characters, are the only sound and true ones ; and for this grand and paramount reason, that they perfectly harmonize with the moral and religious nature of man, and their observance is attended with the most happy consequences to himself, and his fellow-men.

On the mode of choosing a King, Philo makes some curious remarks, for the times in which he lived. “Some have desired,” says he, “that Princes should

be established by lot, and by the collection of ballots, and have introduced this form and method of election, which is in no way profitable to the people, inasmuch as ballot shows good luck rather than virtue. Many have arrived, by this means, at authorities of which they were totally unworthy—rascals, whom a true Prince would reject and refuse to own as his subjects; for, noblemen of high honour will not take into their service all the serfs that are born in their houses, nor all those they have bought; but those only that are obedient and ready to execute their will. The rest who are obstinate and incorrigible, whom they cannot bring under discipline, they sell by auction in troops, as unworthy of a gentleman's service. It is not, therefore, fitting to constitute as lords of cities and nations, those who have got possession of the government by lot or ballot, which is a deceitful and slippery thing, and dependent upon inconstant fortune. When the question is the cure of the invalid, lot is not spoken of; and physicians are not chosen by lot, but are approved by experience. So when we wish to make a prosperous and happy voyage by sea, the crew do not select a pilot by lot, and send him immediately to the helm, for fear, lest by his ignorance and rashness, he should cause them shipwreck, even in calm and peaceful weather, and thus destroy the lives of all on board. But he is chosen who is known to have learned studiously, from his youth, the art of piloting vessels; who has often made voyages, and has traversed the majority of seas; who has sounded the depths and shallows, and is acquainted with the various ports and havens. It is even so in the government of great states, and the

management of public and private, sacred and secular affairs. Government, is the true art of arts, the science of sciences, in which it would be most unreasonable to regulate our measures by the eccentric courses and irregular motions of fortune. The sage legislator, Moses, therefore, well considered this evil ; for he has nowhere mentioned this method of ballotting for a magistrate ; but he approves of that only which is made by open election and suffrage of the people ; and for this reason he says—"The Prince you shall establish over you shall not be a stranger, but one of your brethren ;" shewing by this, that the election ought to be a matter of rational preference, exhibited by the votes of the people, with full knowledge of the character and disposition of him they choose and appoint."

The Alexandrian school of philosophy, distinguished as the general emporium of learning for many centuries after the christian era, did not cultivate political literature with any great ardour, or to any great extent. Its philosophers were more immediately engaged in purely theological and metaphysical disquisitions. But such pursuits naturally brought them to the confines of politics, and led them to give, on certain occasions, a passing notice of some of the leading principles of general government. As far as their opinions can be ascertained, and generalized, it would seem, that they considered the great maxims embodied in all civil rules and institutions to rest upon a purely moral and theological basis. This was essentially manifested in the writings of those who adhered to the leading principles of Plato's political philosophy. They conceived that man was bound to man, in all his

public relations, by the tie of certain elementary and intuitive conceptions, forming an essential part of the intellect itself, and having their root in the nature or essence of the Divine attributes themselves. The government of man was, in fact, a correct type, though marred and disfigured to a certain extent by the imperfections of his nature, of the government of the Deity; and such rules and maxims as appertained to the one, were, under certain prescribed limits, applicable to the other. On the other hand, some of the Alexandrian sages paid little regard to these transcendental ideas of human institutions. They were more inclined to support the selfish and utilitarian hypothesis of what was right, expedient, and just, in social and political matters. This branch of human knowledge was likewise considered by those of a decided sceptical turn of thinking, as resting on very uncertain and capricious grounds, and to be in a great measure excluded from the ranks of a fixed and regular science. Indeed, in this celebrated school of thought, there was a perfect medley of every system, relative to matters of human nature; and politics, among the other branches of knowledge, naturally partook of this general license and diversity of opinion and sentiment.

PLOTINUS was a great philosopher in his day, viewed political relations through the medium of morals, and coincided with the general doctrines of Plato. He was so deeply enamoured with the republic of this Grecian sage, that he succeeded in inducing the Emperor and Empress Salonin, both of whom had a profound esteem for him, to permit him to make an experiment of the government of Plato, in one of the cities of Italy. We are told, however, the design

proved abortive ; although Plotinus by his enthusiasm for the Grecian system of politics, spread the knowledge of them far and wide in his own day.

PROCLUS wrote commentaries on the laws of Plato, but there are only a few fragments of them now extant in Greek. Sindas mentions four books of Proclus, on Plato's politics, and some dissertations on these writings, were found, according to Fabricius, in the library of Lucas Holstenius. The chief design of the commentaries is, to unveil the theological mysteries interwoven with the legislative philosophy of the Greeks.

PORPHYRY.—In a fragmentary piece of this author, discovered in the Ambrosian library of Milan, in 1816, by the librarian, Angelo Maio, and immediately published by him, we find a philosophical examination of law in general. Porphyry divides it into natural, civil, and divine. All the leading doctrines of the Grecian sages, are here to be found.

ISIDORUS, Bishop of Seville, treats of politics. He flourished in the seventh century. His political opinions are contained in his fifth book, which is divided into thirty-nine chapters. The Bishop enquires into the origin of constitutional maxims, and the legal authority of government enactments generally. These all rest on the natural law, which again is based on human nature. Laws of every kind may be divided into two great divisions—the laws of God, and the laws of man. The author likewise points out the difference between laws and morals ; defines what is natural and what is civil law ; and then goes on to enumerate in detail what are the elementary or constituent parts of a government commonwealth.

He makes many judicious and acute remarks on the differences arising out of the nature of civil, ecclesiastical, and military law.*

In this century there is a work attributed to Julian, Archbishop of Toledo, particularly directed against the sin of Slavery. He shows that it is contrary to all the fundamental notions of justice and humanity, and expressly condemned by the principles of christian polity.†

After Isidorus, of Seville, we come to Gerbert, (Silvester II.,) who, in his several epistles, shows that he had thought deeply and wisely on many of the branches of political knowledge. His leading views on the science of society rest on two grounds,—the law of nature, and the law of God, or the church. In his 87th epistle we find him making mention of the *Republica* of Cicero, in these words, addressed to Constantine, the Schoolman, "Take care of yourself, and also of the writings of Cicero on the Commonwealth, those against Veres, and others, which the father of Roman eloquence wrote in defence of so many of his countrymen."

BOETHIUS.—This celebrated and unfortunate philosopher and statesman has the following remarks on *Tyrants*, in his *Consolations of Philosophy*. "The kings whom you see sitting on the lofty elevation of the throne, splendid with their shining purple; hedged with dismal weapons; threatening with grim countenance; are breathless with the rage of the heart."
* * * "If from these proud ones any one should draw aside the covering of their gaudy apparel, he will see that the lords are bound with chains within."

* Opera Paris fol: 1601. † Florez Espana Lugrada Tom, 5.

* * * "For here greedy lust pours venom on their hearts; here turgid anger, raising its waves, lashes the mind; or sorrow wearies her captives; or deceitful hope torments them." "Since, then, you see that one head has so many tyrants, pressed by their iniquitous sway, it performs not what it wishes." "Biting cares will not quit him while he lives, nor can his trivial riches accompany him when dead."*

There is an allusion to political science in the *Bibliotheca* of Photius, who flourished in the eighth century, and who lived at Constantinople. He says:—"I have read a work on politics, in which are introduced two persons conversing; the patrician Menas and Thomas the referendary. This work contains six books, and presents a new form of political society, different from all the ideas entertained by the ancients, which is called the government of justice. As to the essence of this new government, it is composed, according to these two interlocutors, of royalty, aristocracy, and democracy. The re-union of each of these elements, taken in its purity, ought to form the best political constitution."

It has been conjectured, that the work here alluded to by Photius, may have been a translation of the *De Republica* of Cicero.

The following are King Alfred's thoughts on *Tyrants*, illustrative of the views and sentiments of Boethius.

Hear now one discourse	And various garments,
Of those proud,	Bright in beauty,
Unrighteous	Wondrously shine
Kings of the earth,	On high seats;
That now here, with many	Clothed in gold

* Lib. 3, 4.

And jewels.
 Without these stand around
 Innumerable
 Thegns and earls
 That are adorned
 With warlike decorations ;
 Illustrious in battle ;
 With swords and belts
 Very glittering ;
 And who attend him
 With great glory.
 They threaten everywhere
 The surrounding
 Other nations ;
 And the lord careth not,
 That governs this army,
 For either friends' or enemies'
 Life or possessions ;
 But he, a fierce mind,
 Rests on every one,
 Likest of any thing
 To a fierce hound.
 He is exalted
 Within in his mind
 For that power
 That to him every one
 Of his dear princes
 Gives and supports.
 If men then would
 Wind off from him
 These kingly ornaments,
 Each of his garments,
 And him then divest
 Of that retinue
 And that power
 That he before had,

Then thou shouldest see
 That he would be very like
 Some of those men
 That most diligently
 Now, with their services,
 Press round about him.
 If he be not worse
 I think he will be no better.
 If to him then ever
 Unexpectedly, chance should
 happen
 That he should be deprived
 Of that glory, and garments,
 And retinue, and that power
 That we have spoken about ;
 If from him any of these things
 Were taken away,
 I know that he would think
 Then he was crawling in a
 prison,
 Or indeed bound with ropes.
 I can assert
 That from this excess of every
 thing
 Of food and clothes, wine,
 drinks,
 And sweetmeats,
 Most strongly would increase
 Of that luxuriousness
 The great furious course.
 Much disturbed would be
 His intellectual mind.
 To every man
 Thence must come
 Extraordinary evils,
 Extraordinary quarrels ;

Then they become angry.
 To them it happens in their
 hearts
 That within are afflicted,
 Their thoughts in their minds
 With this strong fire
 Of hot-heartedness,
 And afterwards fierce sorrow
 Also bindeth them
 Hard imprisoned.
 Then afterwards beginneth
 Hope to some
 Greatly to lie
 About that revenge of battle
 Which the anger desireth
 Of one and of the other,
 It promises them all
 Which their contempt
 Of right may enjoin.

I told thee before
 In this same book,
 That of the various creatures
 Each single one
 Some good
 Always desired
 From his own
 Ancient nature ;
 But the unrighteous
 Kings of the earth
 Cannot ever
 Accomplish any good
 From the evil
 That I have mentioned.
 It is no wonder,
 Because they love the vices
 Which I named before,
 And to which only
 They are always subject.*

King Alfred's notion of Kingly Power.

" If then it should ever happen, as it very seldom happens, that power and dignity come to good men, and to wise ones, what is there then worthy of pleasing is the goodness and dignity of these persons: of the good king, not of the power. Hence power is never a good, unless he be good that has it; and that is the good of the man, not of the power. If power be goodness, why then is it that no man, by his dominion can come to the virtues, and to merit; but by his virtues and merit he comes to dominion and power? Thus no man is better for his power; but if he be good, it is from his virtues that he is good. From his virtues he becomes worthy of power, if he be worthy of it."

Alfred's notions of the Principles of Government.

" O Reason ! thou knowest that covetousness, and the possession of this earthly power, I did not well like, nor strongly desired at all this earthly kingdom, except—Oh ! I desired materials for the

* See Turner's Hist. of the Anglo-Saxons.

work that I was commanded to do. This was that I might unfractionally, and becomingly steer and rule the power that was committed to me—What! thou knowest that no man may know any craft nor rule, or steer any power without tools and materials. There are materials for every craft, without which a man cannot work in that craft.

“These are the materials of a king’s work, and his tools to govern with; that he have his land fully peopled; that he should have prayer-men, and army-men, and work-men. What! thou knowest that without these tools no king may show his skill.

“These are also his materials, that with these tools he should have provision for these three classes; and their provision then is, land to inhabit, and gifts, and weapons, and meat, and ale, and clothes, and what else that these three classes need; nor can he without these keep his tools; nor without these tools can he work any of those things that it is commended to him to do.

“For this purpose I desired materials to govern that power with, that my skill and power might not be given up and concealed. But every virtue and every power will soon become oldened and silenced if they be without wisdom. Therefore no man can bring forth any virtue without wisdom: hence whatsoever is done through folly, man can never make that to be virtue.

“This I can now most truly say, that I have desired to live worthily while I lived, and after my life to leave to the men that should be after me a remembrance in good works.”*

* “Alfred, like another Theodosius, collected the various customs that he found dispersed in the kingdom, and reduced and digested them into one uniform system or code of laws, in his *dome-book*, or *liber judicialis*.”—*Blackstone*.

CHAPTER IX.

ON THE ILLUSTRATION OF THE POLITICS OF THE OLD TESTAMENT IN THE TWELFTH CENTURY.

As an interesting item in the history of political literature in the middle ages, we shall here hazard a few brief observations and statements on the commentaries of the celebrated Maimonides on the *Laws of Moses*, in the middle of the twelfth century. A few introductory remarks will be required to bring the historical sketch of the Jewish law before the reader's attention in a connected form, from the days of our Saviour, where we left it, at the termination of our first chapter, to the time when this learned Jewish writer and commentator undertook his great work of a revision of the entire code of Jewish jurisprudence.

In the first century of the Christian era, considerable additions were made to the *Oral-Law*. The historian, Abendana, gives a copious account of the heads of colleges, who ingrafted on this system of law, a multitude of mystical, allegorical, and cabalistical fictions and comments. Rabbi Nathan, the Babylonian, wrote a work, entitled "*Pirke avoth*," which combined a large body of the *moral apophthegms*, and *pious sayings* of the Fathers of the Jewish Church, and

which was so highly esteemed, that it was deemed worthy of insertion in the body of the *Talmud* itself.

In the reign of the Roman Emperor, Antoninus Pius, and in the year 153, Rabbi Juda was elevated to the two-fold dignity of Ruler of the Synagogue, and President of the Synedrim. The Jewish people being afterwards exposed to the cruelties of Vespasian, and to the heartless edicts of Adrian, the study of the law fell into desuetude; so much so, that this learned Doctor was apprehensive, that the force of persecution would entirely efface the remembrance of Oral Tradition from the minds of his brethren. He, therefore, determined to digest and reduce the whole to writing. He commenced his labours from the period in which the great synagogue was established by Ezra, and with incredible labour and patience, collected and methodised all the "Constitutions," "Interpretations," and "Decisions," that had hitherto been recognised by the bulk of the nation, and carefully amalgamated them into one code, which he termed the *Misna*, or *Mischna*. This important compilation was completed in the year 218.* It is distributed into *six* general heads called *Sedarim*, or *Orders* or *Classes*.

On its publication, this interesting code was received with enthusiastic admiration by a select body of the learned; and was universally recognised both in the land of Judea, and in Babylonia, as a full and authentic body of the whole Jewish law. Being, however, chiefly composed of Aphorisms, and brief sententious statements, it began to be considered as improvable by giving explanations of them. This opened the door to great abuse, and soon led to the

* Lardner and Prideaux say it was finished in the year 150.

almost entire obscuration of the original work. A class of commentators and expositors, called the *Gemarial Doctors*, reared such a body of illustrations, opinions, and doctrines on the *Mischna*, that all common sense was outraged, and the digest fell into general contempt and neglect. These doctors, were, as the poet describes.—

“ For mystic learning wondrous able,
In magic, talisman, and cabal,
Deep-sighted in intelligences,
Ideas, atoms, influences.”

Many public academies or schools were founded in cities of the East, to teach this system of mysticism ; the office of the teachers, as Abendana tells us, being “ to cull out such, or such propositions, and to debate them among themselves, in order to fix a true, and certain sense upon them.” The chief of these institutions of education were those of Babylon, Nahardea, Sippara, Sarana, and Pumbeditha, in Babylonia ; Jerusalem, Nars, Tiberias, and Jamnia, in Judea. Some of these schools existed for nearly *eight hundred* years.

In the year 230, Rabbi Johannus became President of the Synedrim, and Rector of the School of Jerusalem, and made another digest of comments from the several Israelitish Schools, which was added to the *Mischna*, and called the *Jerusalem Talmud* ; the word Talmud signifying learning or wisdom. A similar compilation was made from the Babylonian Academies. But upon the dissolution of Palestine, the study of the law was almost entirely transferred to Babylon ; a circumstance which contributed to increase the seminaries of education there to a great

extent. In the year 369, Rabbi Ase was appointed to the Rectorship of the School of Sarana; and he undertook the herculean task of collecting and methodising all the Disputations, Interpretations, Elucidations, Commentaries, and Conceits of the Gemarical Doctors; but after labouring sixty years, he succeeded only in arranging thirty-five books, and died in 427, leaving the residue of his unwieldy task to his successors.

The labour of arranging and digesting proceeded however, from one race of learned doctors to another; till at last, in the year 500, the Rabbi Abina, the sixth in succession from Rabbi Ase, brought to a close the *second Talmud*.

The Judaic law became from these numerous digests or compilations, altogether unintelligible. It remained in this state for six centuries, when Maimonides undertook to throw light and consistency upon it.

This distinguished man was born at Cordova, in Spain, in 1139. He laboured nearly twenty years on the Laws of Moses, and died in the seventieth year of his age.

Maimonides was led to consider utility, or ultimate goodness, to be the foundation of all law and government, even of the divine law itself. He was induced to enter into this question from the circumstance, that up to his own day, it had been an universal and absolute rule among the learned Jewish doctors, never to institute any inquiries into the *reasons* of the Jewish code. Their maxim was, "It is a decree of the king, and it is not for us to search for its reason." They, therefore, contented themselves with the mere facts connected with the declarations and provisions of

the law. Maimonides thought there was no necessity for the rigid adherence to this rule; so he ventured at once to lay open the whole question, and to maintain from the general scope and tenor of the legal and national institutions of the Jews, that utility or goodness was the final cause of its adoption. On this point he observes:

“There are people who object to the assigning of a reason for any law whatever, and according to them it is best not to institute any inquiry into the cause of any law or warning. This objection proceeds from unsound minds which possess no clear consciousness of the motives for this objection. They imagine that if these laws have a useful discernible object which induced God to command them, then they resemble such as are given by human beings, and might have been given by them. But if no objection can be discovered and no advantage assigned, then are they doubtless from God, for a human mind would not have fallen upon such things. These weak-minded reasoners imagine man more perfect than their Creator, inasmuch as they think that man would command nothing without purpose, while God would command that which is useless, and caution against things the practice of which is harmless. Away with such an idea. Precisely the reverse is the case, and the object of all laws was to procure some advantage, as we have explained the text, ‘to do us good all the days, to keep us alive to this day.’ Scripture further says, ‘that they (the nations of the earth) may hear all these statutes and say, a wise and understanding nation is this great people.’ Scripture thus says, that even the statutes will teach the nations that they are founded

on wisdom and knowledge ; and if the laws have no motive, if they serve no object, bring no advantage, and avert no mischief, why should the believers or practisers be considered as a great and wise nation ? But the matter is undoubtedly as we have stated viz. : the object of every one of the 613 precepts is either to convey some correct notion, to remove some erroneous opinion, to accustom to some good order, to prevent iniquity, to inculcate good habits, or to caution against bad habits ; and they may be reduced under three heads, intellectual, moral, and social qualities. Every law therefore tends either to promote social virtues, or to diffuse true knowledge or morality."

Maimonides, in speaking of the gradual development of civil and political knowledge and institutions, remarks, that we are apt to imagine, that the Divine government might accomplish its end by more direct, and prompt means than what we see manifested in the history of our race. He lays down the principle, however, that as little as the Deity allows nature to take sudden leaps in the physical world, and has ordained a gradual employment of means of which every act is preparatory for the next, so little does he ordain sudden transitions in the social and moral world. After having exemplified this by numerous instances from the material world, he remarks that, "a similar line of conduct did God pursue in many commandments of the law, and in many constitutional customs and usages among his people ; for sudden transitions from one extreme to another, seem impossible from the political and social condition of mankind. Accordingly it is found to be impossible for man to leave at

once all the things to which he has been accustomed. For example, the universal custom and mode of worship in which people were brought up was, to bring sacrifices into the temples, there to place idols, to worship them, and to burn incense before them. Now the Divine wisdom, manifest in all creation, did not abolish, and command us to lay aside, these modes of worship, for this would have been repugnant to human nature, which always follows habit; this would have been as if some prophet were to come in our days, who, with respect to divine service, was to announce that God commandeth that we should not pray to him, not fast, and not seek his help in time of trouble; because that we should let our service be one of the heart, without any outward show or form whatever. For this reason these kinds of worship were to continue; God only transferred them from imaginary or created beings to himself, and commanded us to preserve them, to erect a sanctuary, to build an altar, and to offer sacrifices to Him. Thus it was, that by His divine will, idolatry was abolished, and the great principle of the existence and unity of the Deity established among nations, so intimately connected with their political privileges and prosperity; and hence, also, it was, that those persons who would have been startled by the abolition of the mode of worship to which they had been used, and who were not acquainted with, or instructed in any other, were not rebellious or refractory."

Maimonides was not merely a compiler or digester of laws, but he took a profound and philosophical view of their first principles; so much so, that he rose far above all his learned predecessors, and up to the

present day, he has no competitor as a Rabbinical writer. He was an original thinker, as well as a sagacious commentator. He probed to the bottom the entire philosophy of nations; and his reasonings and opinions were so just and important, that he was a great favourite with the most subtle and active minds who figured in the Scholastic ages. For many centuries, his writings were appealed to, not only on matters relating to the laws of Moses; but likewise for the valuable principles and illustrations scattered through them, in every direction, on the abstract nature of legal and civil polity generally. For simplicity, elegance, and perspicuity of style, and for methodical arrangement, the Digest of Maimonides is allowed by Claveringius and Prideaux, to vie with the Roman Civil Code, and with every other legal system known in his day.

The intellect of Maimonides was at once capacious, active, enterprising, and tenacious. It was singularly fitted to penetrate into the most profound and sublime speculations.

As a specimen of the clear and popular mode of commenting on the Laws of Moses, adopted by Maimonides, we may refer to the dissertation on the *Rights of the Poor*. This contains ten chapters; and the whole has been rendered into the English language, by Mr. Peppercorne, London, 1840.

For nearly a century and half after the death of Maimonides, his philosophical writings on the abstract nature of law, and his views on the human soul, were subjects of keen and bitter controversy among the Jewish Doctors, in all parts of the continent of Europe, and likewise in the chief seats of learning in the East.

CHAPTER X.

THE POLITICAL LITERATURE DIRECTLY EMANATING FROM
THE SCHOLASTIC PHILOSOPHY, FROM 1000,
TO THE YEAR 1400.

The Scholastic philosophy, taken as a whole, was more of a theological and mental, than of a political character. As it treated, however, at some length, and under various theoretical aspects, of the leading principles of ethics, we find more or less attention given to the fundamental maxims of civil government, by the most learned and distinguished of the scholastic writers.

Almost all the Scholastic thinkers took Aristotle's politics as a guide or text book ; qualifying, however, many of his principles and views by the direct declarations of Scripture, or the ritual enactments of the Jewish Law. There are very few of these authors who do not touch on some of the more important axioms of political science ; though they may not enter very formally into their full illustration and development. On this account, politics, as a science, appears in the voluminous writings of these philosophers, as occupying a very subordinate rank in their subtile discussions. And this, in a certain sense, is

true; for, as we have just noticed, religious and metaphysical inquiries were invested in their eyes with a more lively interest, than the principles of the social contract. But still, it must be remembered, that the grand object of all scholastic discussions for many centuries, was *man*; and this necessarily led him to be viewed sometimes in his social and political, as well as in his theological and mental character.

It must be borne in mind, that the scholastic writers greatly aided the cause of religious and civil liberty and enlightenment, by their claiming unreserved intellectual discussion. They laid down the principle, that human reason was adequate to enter upon the examination of all political questions, as well as upon others connected with every branch of human enquiry. We have direct testimony to the growing spirit of mental liberty in the declarations of Abelard, who tells us, in his, "*Introduction to Theology*," that his pupils demanded him to give them "such philosophical arguments as were fit to satisfy their minds; begged he would instruct them, not merely to repeat what he taught them, but to understand it; for no one can believe that which he does not comprehend, and it is absurd to set out to preach to others concerning things which neither those who teach nor those who learn can understand."

The scholastic philosophy gave a unity of design, and a scientific arrangement to political speculations, with which they had not previously been invested, since the days of Plato and Aristotle. The schoolman took up the science of government, and formally installed it as a distinct branch of knowledge in their collegiate curriculum. This exercised a great and

marked influence, both directly and indirectly, on its future progress and prospects. Its principles were more gradually and distinctly separated from the other elements of human nature; they were more minutely scrutinized, and more fully illustrated and tested by appeals to well established facts and observations. Students in all the popular universities in Europe, carried along with them, in conjunction with other special objects of learning and study, many of the primary elements of civil polity; and these, like good seed, thrown into a favourable soil, often yielded a valuable return to the common stock of useful knowledge on what was most important to the community at large. The leading maxims of political philosophy came likewise to be viewed under various aspects; truth was elicited by discussion; and information extended and applied to existing circumstances, by repeated attempts at scientific classification, and methodical arrangement.

The scholastic speculations on politics were of an abstract or transcendental character. Fact and observation were but of a secondary import in the eyes of the schoolmen. They uniformly conceived there was a wide and palpable distinction between experiment, and those vital principles by which they are rendered intelligible, and converted into a constituent portion of our mental knowledge. Politics, when viewed from a certain point, seem to resolve themselves into a series of active and impulsive instincts, which guide mankind, in their complicated and aggregate unions, to secure and maintain both their individual and collective existence; and to a certain extent a knowledge of those instinctive desires and feelings is indispensable

to both the theoretical and practical politician. But the entire spirit of the scholastic philosophy stoutly maintains, that they by no means constitute the science of government. This is based on abstract and intuitive principles, chiefly of a moral and theological cast. The instinctive impulses of nature, which enter so largely and generally into all political and social manifestations, can never form a science; they cannot yield a single rational idea or conception. The material elements with which the scientific politician has to deal, are merely like the stones destined for the erection of a building, which can be reared into a noble and useful structure, only by the constant presence and action of an exalted and harmonious conception in the mind of the designer or architect. This mental or spiritual principle is the life and soul of political reasoning and science; and it is only by its gradual development that mankind can, in the opinion of the Scholastic Doctors, improve their civil and social institutions, and make positive advancement in the path of intelligence, morality, and social enjoyment. They every way propound the maxim, in their several publications, that sound philosophy of government must ultimately rest on just and adequate ideas of the Divine Author of the Universe, viewed in relation to these abstract conceptions of right, obligation, and duty, which He has implanted in the human breast.

The range of the scholastic politics, was necessarily, however, narrow and confined, both from the limited sphere of the schoolmen's general studies and modes of thinking, and likewise from the want of the art of printing. These causes materially retarded the progress of knowledge on public questions, and on

important and vital maxims of state policy. These were often locked up in the cloisters of the learned and studious for centuries, before they came into contact with the understandings of the community. This was one of the inevitable results of the external circumstances in which the schoolmen were placed.

In the early part of the scholastic history, we do not find that political dissertations form a very prominent portion of the discussions of the learned doctors. From Rabanus Muras to the days of Abelard, we find little or nothing in the shape of political literature. The leading principles of polity were dwelt upon, in the course of education, but the illustrations of these principles were scanty and of a very meagre cast.

Roscelin was a native of Brittany, and Canon of Compiègne. His genius was of a very comprehensive and subtile character; and he was greatly esteemed even by his adversaries. By the decisions of a council held at Soissons, in the year 1092, he was condemned for Tritheism. There are no proofs of his ever having publicly taught at Paris, or that he gave public lectures at any other place. But he had the honour of directing the studies of Abelard, and to form his philosophical opinions. Mallet, in his life of Lord Bacon, mentions that Roscelin was an Englishman; probably from taking Brittany for Britain. Very few particulars of his life are known.

HUGH ST. VICTOR.—In St. Victor's *Annotations* on the Epistle of St. Paul's to the Romans, the general bent of his political opinions may be gathered. He enters into the abstract ideas we have of good and bad measures. These are derived from that *natural law* which is implanted in every man's bosom, but which

is in all cases defaced more or less by his fallen condition.

GILLES DE ROME.—There is a manuscript volume of this author in the *Bibliothèque du Roi*, Paris, entitled, "Government des Rois et des Princes," which is said to have been translated into French by Henry de Gouchy. The plan of the work is thus laid down by the author. "In our first book we shall teach how Kings and people ought to govern themselves according to the principles of reason. In the second, we shall show how they should govern themselves, their wives, their children, and their households. And in the third place we shall point out how they should both conduct themselves in times of peace and war, and how they should regulate their cities and kingdoms."

ÆGIDIUS COLONNA.—This scholastic in his *de Regimine Principum*, maintains the validity of the intuitive ideas men have of justice and equity; and he says without them, it had been impossible for mankind ever to have recognised the existence and value of general ideas of government, and law.

ALBERT THE GREAT, maintained that the mere abstract truth of any political proposition whatever, was not always to be taken as an infallible guide to immediate and permanent legislation. Apart from the naked character of the truth, there are a host of distinct powers of the intellect and heart manifesting themselves in political communities of men, which are powerfully affected in various degrees by the external relations of things, and which the bare nakedness of a political maxim does not reach. The consciences of men, their affections, their reason, their sensitiveness

to dishonour and coercion, their desire of glory and happiness, their benevolent affections and sympathies, their ideas of what is good, just, expedient, praiseworthy, and practicable, are all matters for the contemplation of the politician; and all matters which lie in vast abundance on the surface of society, and become living and active agents of varied intensity, on every symptom of change and innovation. Truth in politics becomes, therefore, hedged about with a peculiar sacredness, altogether apart from its own abstract character as truth. It is truth in relation with many things—and not truth barely contemplated in its own naked or isolated character.

The speculations of Albert on political questions, are contained in eight books. In the first, the author enters into a consideration of the abstract nature of all political power; and into the various divisions into which it is parcelled out by different nations. In the second book, he discusses and analyses the ancient systems of government, as exemplified in the histories of the Egyptian, Carthaginian, and Grecian States. Here the reader will find much interesting and valuable knowledge. The third book is devoted to inquiries into the abstract nature and origin of social combinations; and he points out what appears to him to be the real foundations, and leading characteristics of the Republican, Aristocratic, Oligarchical, Democratic, and Regal forms of government. We have the same subject continued in the fourth book, accompanied with more minute and specific details of each of these forms of civil polity. The particular theory of politics propounded by Aristotle, is here minutely examined. The fifth book contains an examination of those

causes which derange all kinds of political power; and how these become modified and neutralized, in the several kinds of government just enumerated. The sixth book is appropriated to a discussion on the ends or final purposes of all kinds or species of government. He discusses in the seventh book, those active means which are to be put into requisition for the attainment of the purposes of a good and intelligent government. Among these means, Albert lays great stress on national education. The eighth, and concluding book, contains an enumeration of those pursuits and mental acquirements, which exercise such a beneficial influence on the body politic; and which an enlightened legislator will take especial care to arrange and diffuse among all classes of the community.*

JOHN OF SALISBURY.—The political opinions of this learned scholastic will be found in his *De Nugis Curialium*. In the first book he lays down the general principles of all political speculation, with considerable care and fulness. In the fourth book he treats of tyranny and oppression, and shows that all political systems grounded on these maxims of misrule, proceed from the most erroneous ideas of the nature and purposes of a Commonwealth. The republics of antiquity are discussed with great acuteness; and, in page 390, in the eighth book, we have an illustration of what tyranny is, in the history of Nero and others.

This scholastic stoutly defends the temporal power and supremacy of the pope. He says, “the prince is the minister of the priests, and their inferior. He receives the sword from the hand of the church, as that cannot hold the sword of blood, but uses it through

* Opera, Rome, 1691.

the hand of the prince, on whom it confers the power of coercing the bodies of men. The temporal power exercises that part of the sacred office which seems to be unworthy of the hands of the priesthood." He likewise affirms that it is justifiable, and even a glorious thing, to kill a political tyrant.*

ST. BERNARD was tolerant and liberal in his political sentiments, and a friend to the principles of civil and religious toleration. "Faith," says he, "is produced by persuasion and argument, not by restraint. The patrons of heresy are to be assailed, not by arms, but by proofs. Attack them with the word, not with the sword."†

THOMAS AQUINAS.—This learned man obtained the name of the *Angelical Doctor*. He was undoubtedly the most distinguished philosopher of the second stage of the scholastic controversy. His *Secunda Secundæ*, continued for more than three hundred years after his death, to be the ethical code of Christendom. No work of a mere private individual ever had so many and such learned commentators. The able and clever Erasmus, considered Aquinas superior in genius and erudition to any man since his day; and Vives declared him to be the soundest writer among all the schoolmen.

It is impossible to enter into a complete analysis of all the famous works of this doctor, which bear more or less on political science. His *Summa Theologica* would require many pages even to enumerate all the important doctrines it discusses. His entire works extend to *twenty-three* volumes folio. The opinions he

* De Nug: Curial: b. 4, c. 2.

† Hæretici capiantur, dico non armis, sed argumentis. Aggredere eos sed verbo, non ferro. Sermon 64. See also Opera, Paris, 1689, 2 vols. folio.

expresses on ordinary political topics may be gathered from his commentaries on Aristotle, under the following heads,—*On the ten books of Aristotle's Ethics, and On the eight books of his Politics.*

From several parts of the writings of Aquinas, we distinctly recognise that the science of politics, agreeably to his conceptions of it, rested entirely on the abstract principles of human nature, and derived little or nothing, in the way of illustration, from the external sphere of nature. The senses do not teach us the great living and general elements of social philosophy; they are only cognizant of parts of it, not as an entire and perfect whole. It is chiefly in the moral and religious elements that we are to seek for the full development of political government. It is here that man is viewed in his totality, and in connexion with the great truths of his social and aggregate existence, which must be brought home to the understandings of mankind, by considering them in relation to this unity of being.

The moral attributes of our nature all manifest a direct reference to our social state. They constitute the measure of our capacity; but experience can never be perfect, since human capacity, however enlarged, is still susceptible of further improvement and knowledge. It is in this progressive state that the moral powers come into full play and exercise. They are the laws impelling the reason and intellect to the acquisition of political wisdom and knowledge—wisdom and knowledge in their highest state—as embracing the general interests of humanity. The philosopher and the philanthropist likewise require the highest exercises of the mind—unity, perfection, and

integrity of purpose. These powers are brought into requisition in the development of the principles of political justice in all their extensive and minute ramifications. There is a rule of duty for the individual, and another of a more comprehensive character for nations and communities; but both rest on the great law which the Omnipotent himself has written on the fleshy tables of the human heart; and which are of such an enduring nature, that they cannot be effaced unless by the breaking of the very tables themselves.

Notwithstanding the many valuable principles of government developed in the writings of Thomas Aquinas, he was not a friend to the rights of private judgment. He supported the high maxims of theological supremacy, so generally acknowledged in his day. "Heretics," says he, "may not only be excommunicated, but righteously killed. Such the church consigns to the secular arm, to be exterminated from the world by death."* Schismatics may, according to his judgment, be compelled by force of arms to return to the profession of the faith.† For, alluding to the toleration of the early christian church, Aquinas remarks that the church in its infancy, tolerated the faithful to obey Julian, through want of power to repress earthly princes.‡

St. Thomas Aquinas says, that "Law is a certain

* *Heretici possunt non solum excommunicari, sed et juste accidi. Ecclesia relinquit cum judici saculari mundo exterminandum per mortem. Aquinas, 2, p. 48. + Hæretici sunt etiam corporaliter compellendi, 2, 42. Hæretici, sunt compellendi, et fidem teneant, 10, 8. ‡ Ecclesiam, in sua novitate, nondum habebat potestatem terrenos principes compescendi, et ideo toleravit fideles Juliano Apostate obedire, 2, p. 51.*

rule and measure by which any one is induced to act, or hindered from acting.”*

Aquinas was not destitute of enlightened opinions on some of the primary principles of civil government. In his *Summa*, he affirms that one of the grand ends of all civil institutions is the *common good*. He likewise says, that when princes take things unjustly from their subjects, or contrary to law, they are guilty of rapine.†

ROGER BACON.—This celebrated Englishman was born in the year 1214, and died at the close of the thirteenth century. He belonged to the order of Dominicans. His great work is the *Opus Major*. In this treatise he maintains there are four great sources of human ignorance; namely, an obsequious obedience to authority, the habit of custom, the opinion of the vulgar, and the ostentation of false science. These are the grand obstacles to the discovery of truth, and to our progress in the paths of national wisdom and regeneration.‡

* *Suarez* and other modern writers dissent from this definition; because they think it vague and uncertain.

GROTIUS.—Law is $\left\{ \begin{array}{l} \text{Natural} \\ \text{or} \\ \text{Voluntary,} \end{array} \right\} \left\{ \begin{array}{l} \text{Divine} \\ \text{or} \\ \text{Human.} \end{array} \right.$

LEIBNITZ.—Law is $\left\{ \begin{array}{l} \text{Human} \\ \text{or} \\ \text{Divine,} \end{array} \right\} \left\{ \begin{array}{l} \text{Natural} \\ \text{or} \\ \text{Positive.} \end{array} \right.$

SUAREZ.—Law is $\left\{ \begin{array}{l} \text{Eternal} \\ \text{or} \\ \text{Temporary,} \end{array} \right\} \left\{ \begin{array}{l} \text{Natural} \\ \text{or} \\ \text{Positive,} \end{array} \right\} \left\{ \begin{array}{l} \text{Divine} \\ \text{or} \\ \text{Human.} \end{array} \right\} \left\{ \begin{array}{l} \text{Divine} \\ \text{or} \\ \text{Ecclesiastical} \end{array} \right.$

+ Vol. 1, p.p. 96, 126. ‡ *Opus Major*, Venice, 1760, part 1.

WILLIAM DURAND, of Saint Pourcain, called the *Resolute Doctor*, was one of the most distinguished men of his day, for his knowledge of scholastic science generally, and for his ability in expounding the principles of civil polity in particular. He is the author of "*De Origine Jurisdictionum sive de Jurisdictione Ecclesiastica et de Legibus*."* He died in 1332.

WILLIAM OCCAM, a native of the county of Surrey, studied under Duns Scotus, and entertained very bold and original opinions on political subjects, for the age in which he flourished. His celebrated work "*De Potestate Ecclesiastica et Seculare*," (1326), brought upon him the active hostility of the Roman pontiff, and he was obliged to retire into France for some time. Occam maintained the supremacy of the secular, over the ecclesiastical power, and inveighed, with no small degree of bitterness, against the vices and corruptions of the Roman See. The chief position of his treatise is, that from the very nature of religious truth, and from the necessary means which must be employed to bring it home to the lives and consciences of men, it must be subordinate to the ruling and active authority of every community which adopts it, as a national faith.

JOHN BURIDAN, was a disciple of Occam's, and a native of Bethune, in France. He was Rector of the University of Paris, where he delivered an important course of lectures on the Politics of Aristotle. These have been published under the title of "*Quæstiones in 8th libros Politicorum Aristotelis*," Paris, 1500. Buridan is considered one of the most enlightened and sound political reasoners of his day.

* Paris, 1506.

CHAPTER XI.

ON THE CAPITULARIES AND ORDINANCES OF THE KINGS
OF FRANCE, AND OF VARIOUS COMPILATIONS OF LEGAL
CUSTOMS AND RIGHTS, AND FORMAL CHARTERS OF
GENERAL FREEDOM, MADE FROM THE TIME OF
CHARLEMAGNE, TO THE COMMENCEMENT
OF THE YEAR 1400.

THE various matters brought under the reader's attention in this chapter, may all properly come under the denomination of political writings, which, though not in the form of regular treatises, contain, notwithstanding, important principles of polity, both general and particular. They are such materials as are in constant requisition by all political writers, even of the present day, and which served the purposes, to bygone generations, of keeping alive discussion and interest in public matters, when the art of printing was unknown.

Among the sixty-five Capitularies of Charlemagne, one of those which are the most closely allied to political economy, is the famous Capitulary *de Villis*, in which he attempted to give his general views upon the administration of his kingdom. It is composed of seventy paragraphs, arranged without any view to method or system. They embody formal

instruction of a rich proprietor to his steward or bailiff. The Prince requests that all his servants should serve him with probity, and in return, they should experience the kindest treatment. He wishes the *corvée* not to be imposed upon them; they are not to be subjected to severe labour; and if they labour during the night, they are to be remunerated accordingly for the sacrifice of their extra time. The same Capitulary contains a curious enumeration of the different kinds of trades and handicraftsmen the Prince wished to encourage in his own domains. Blacksmiths, Tailors, Joiners, Carpenters, and Weavers, are mentioned. It is also ordered that every slave who wished to have a personal interview with the monarch, relative to the manner which his master treated him, was to have free access, and by no means to be refused admittance.

We recognise in other Capitularies, many matters of great importance. One in particular attempts to fix a *maximum* price for various articles. "The very pious Lord, our King, has decided that no man, whether ecclesiastic or layman, shall be permitted, either in seasons of abundance or scarcity, to sell articles of food for more than the price recently fixed by bushel; namely, &c." Then again we have a regulation respecting the poor, "As to mendicants who wander over the kingdom, we wish that each of our *fidèles* would support his poor, either in his own benediction, or in the interior of his own house, and not permit them to wander elsewhere. And if we find any such mendicants, and if they refuse to labour with their own hands, then they shall not be entitled to receive any favour whatever."

The Emperor was severe upon those clergy who exacted usury. He also fixes himself the rate at which their money, whether good or bad is to be raised ; on pain of being sent to labour at the forts. These measures seem rather tyrannical, but they were compensated by others of a more enlightened and humane character ; such are rules favourable to the comfort and protection of slaves ; to the labouring peasants ; and to the poor, whom he ordained to be supported, and attended upon when sick. The ecclesiastical portion of the Capitularies is very voluminous ; and it teaches us, of what great importance the clergy were at that period ; and how rulers looked up to them for direction in the government of their kingdoms.

There are few of the capitularies which have a direct reference to fiscal imports of any kind. Those which may be considered as coming under the head of commerce, display very enlightened views, compared to what we can perceive among the Roman Emperors.

The slaves of his kingdom were treated with great philanthropy and tenderness. No master or owner was permitted to separate man and wife ; and the capitulary which contains this ordinance, quotes the passage in the New Testament, "*Quos deus conjunxit, homo non separet ?*" It was forbidden to sell or buy a slave except in the presence of the emperor's delegate. All private sales were not only null and void, but the parties were liable to punishment.

The capitularies contain many maxims of a purely moral and religious character ; such, for example as the following. "It has pleased us to ordain that every one shall endeavour, in his own person, to keep himself fully in the holy service of God." Again, "Let

every one fully consent that our deputies (*Misi Dominici*) rigidly exercise justice, and not permit the custom of perjury, for it is necessary to banish from a christian people so odious a crime."

The entire collection of the capitularies presents to the mind a disordered assemblage of heterogeneous matters on religious, political, military, social, and judicial topics, without anything like a fixed order or method. They display no logical arrangement or connection, but are intermixed in the most irregular and capricious manner. The chief cause of this unquestionably was, that they were the product of a temporary system of legislation, and were purely *stop-gaps* to some of the principal social and political irregularities of the hour.

Many authors have contended, that the real origin of jurisprudence, can be traced no further than to the time of Charlemagne ; because, before this period, the nations of Europe were not in a state of civilization, to have any written system on general or particular right. It is to this memorable epoch of the reign of Charlemagne, that we owe all these general principles of law connected with treaties, alliances, navigation, commerce, and the laws of nations generally.

We come now to a most important part of the political and social history of our own country, namely, the establishment of its various charters of liberty. These have, among numerous writers, excited no small degree of discussion, both as to their history, and their character. As the main points in these discussions belong properly to the antiquary we shall avoid them, and confine our subsequent remarks and statements to general and indisputable matters. These

we shall arrange under three heads; first, the history of the charters; secondly, their provisions; and thirdly, their political character and importance.

We find that something like a charter of general liberty was granted by William the Conqueror; which is preserved in Roger de Hoveden's collection of laws. The king is here made to say, "We will, enjoin, and grant, that all freemen of our kingdom shall enjoy their lands in peace, free from all tollage, and from every unjust exaction, so that nothing but their service lawfully due to us, shall be demanded at their hands." Again William says, "That all the Burgesses, French and English, shall be *law-worthy*, as in King Edward's days; and that each shall be his father's heir; and I will that no man commands any wrong to be done."

The charter of Henry I., is entitled "*Institutiones Henrici Primi*," and the preamble runs thus:—"Anno Incarnationis Dominicæ M C I., Henricus filius Willelmi regis, post obitum fratris sui Willelmi, Dei Gratia Rex Anglorum, Omnibus fidelibus salutem, sciatis me Dei misericordia et communi consilio baronima totius regni Anglice ejusdem regem coronatum esse." Matthew Paris has twice recited this charter, namely, under the year 1100, and 1213; and it is stated by writers of authority, that two copies of it are entered in the Red book of the Exchequer; one of which is prefixed to King Henry's Laws.* In the History of King Stephen, by Richard Hagustald, we find a copy of this Charter; and it has also been transcribed by Judge Blackstone, in his Law Tracts. This is affirmed to be the most correct copy, having

* Published by Lombard and Wilkins.

been compiled by Ernuef, Bishop of Rochester, who died in the year 1114.

By way of conciliating his subjects, King Stephen gave them two Charters; but the general voice of history declares that he was not very scrupulous as to the observance of their provisions. The first, confirmed the charter of Henry I., particularly relative to the Saxon Laws; and by the second he conferred more extensive and valuable privileges upon the clergy. It is said there is a copy of the first charter in an ancient manuscript in the College Library. Richard of Hagustald, the historian of Stephen, has furnished us with the copy of the second charter, the original of which is now lost.

Henry II., formally confirmed these public Charters.* But we come now to a more important epoch in the history of these documents; namely, to that of King John. We have here Magna Charta, or the *Great Charter*, so frequently mentioned in public speeches, and political dissertations. Lord Coke supposes the name to have been given, not so much from the quantity of the matter contained in the Charter, as from its grave and weighty importance.

The reign of John is memorable on account of this Charter. His own follies and rapacious exactions were the proximate causes of its adoption. Though it be admitted on all hands, that this valuable document contains nothing but what was in conformity with the common law, and the ancient usages of the realm; yet the peculiar circumstances under which it was wrested from the King, have stamped it, and very justly, with a peculiar degree of interest. Indeed, in the very

* Wilkins' *Leges Anglo-Saxon*, p. 318.

means by which it was procured, certain valuable political principles were recognised and established.

Irritated by the tyrannical conduct of the King, the Barons formed a league among themselves, at the close of the year 1214. They met at Bury St. Edmunds, in Suffolk, from whence they proceeded, armed, to the King at London, and at once openly demanded a confirmation of their public liberties, as citizens of the realm. The monarch was surprised at this menace, and felt strongly indisposed to listen to their demand; but perceiving their resolute and determined demeanor, he thought it prudent to yield to their request. He agreed that a conference should be held at Runnemede, a meadow between Staines and Windsor, on the 15th of June, 1215.

On the day of appointment the Barons arrived in great numbers; but the King was attended by only a few, who remained faithful to him. After having encamped, like open enemies, the conference was formally opened, and continued its sitting until the 19th; when some general articles or heads of agreement were mutually assented to, and were reduced to the form of a charter, to which the King's seal was affixed.

Copies of this charter, and also of the charter of the forest, were very generally transcribed, and one of each sent to every county or at least to every diocese. There is a copy belonging to the Archbishop's Library at Lambeth, which Sir Henry Spelman transcribed in his *Codex Veterum Legum*, which may be found in Wilkins' collection. But according to Judge Blackstone, the original articles themselves, from which his own copy itself was transcribed, is now in the British Museum. It was formerly in the possession of Arch-

bishop Laud, from whom it descended to Bishop Burnet, then to Earl Stanhope, who presented it to the above public institution. The articles are written on parchment, and thus endorsed, "Articuli Magne carte libertatem sub sigillo regis Johannis." The words of the charter are said to be still legible with the exception of a very few letters.

So terminate the chief historical incidents connected with King John's Charter;—an instrument more interesting to the people of Great Britain, from purely political considerations, than from the mere contents of the document itself. We think it entitled to a fuller notice, and, therefore, make no apology for offering to the reader the following summary of its principal provisions.

The freedom of elections was secured to the clergy; the former charter of the king was confirmed, by which the necessity of a royal *conge d'elire* and confirmation was superseded; all check upon appeals to Rome was removed by the allowance granted every man to depart from the kingdom at pleasure; and the fines to be imposed upon the clergy for any offence were ordained to be proportional to their lay estates, not to their ecclesiastical benefices.

The privileges granted to the barons were either abatements in the rigour of the feudal law, or determinations in points which had been left by that law, or had become by practice arbitrary and ambiguous. The reliefs of heirs succeeding to a military fee were ascertained; an earl's and baron's at a hundred marks; a knight's at a hundred shillings. It was ordained that, if the heir be a minor, he shall, immediately upon his majority, enter upon his estate without

paying any relief; the king shall not sell his wardship; he shall levy only reasonable profits upon the estate, without committing waste or hurting the property; he shall uphold the castles, houses, mills, parks, and ponds; and, if he commit the guardianship of the estate to the sheriff or any other, he shall previously oblige them to find surety to the same purpose. During the minority of a baron, while his lands are in wardship, and are not in his own possession, no debt which he owes to the Jews shall bear any interest. Heirs shall be married without disparagement; and before the marriage be contracted the nearest relations of the person shall be informed of it. A widow, without paying any relief, shall enter upon her dower, the third part of her husband's rents; she shall not be compelled to marry so long as she chooses to continue single; she shall only give security never to marry without her lord's consent. The king shall not claim the wardship of any minor, who holds lands by military tenure of a baron, on pretence that he also holds lands of the crown by soccage or any other tenure. Scutages shall be estimated at the same rate as in the time of Henry I., and no scutage or aid, except in the three general feudal cases, the king's captivity, the knighting of his eldest son, and the marrying of his eldest daughter, shall be imposed but by the great council of the kingdom; the prelates, earls, and great barons, shall be called to this great council, each by a particular writ; the lesser barons by a general summons of the sheriff. The king shall not seize any baron's land for a debt to the crown, if the baron possesses as many goods and chattels as are sufficient to discharge the debt. No man shall be

obliged to perform more service for his fee than he is bound by his tenure. No governor or constable of a castle shall oblige any knight to give money for castle guard, if the knight be willing to perform the service in person, or by another able bodied man; and, if the knight be in the field himself by the king's command, he shall be exempted from all other service of this nature. No vassal shall be allowed to sell so much of his land as to incapacitate himself from performing his service to his lord.

These were the principal articles calculated for the interest of the barons; and, had the charter contained nothing farther, national happiness and liberty had been little promoted by it, as it would only have tended to increase the power of an order of men who were already too powerful, and whose yoke might have become more heavy on the people than even that of an absolute monarch. But the barons, who alone drew and imposed on the prince this memorable charter, were necessitated to insert it in other clauses of a more beneficent nature. They could not expect the concurrence of the people without comprehending, together with their own, the interest of inferior ranks of men; and all provisions which the barons, for their own sake, were obliged to make, in order to ensure the free and equitable administration of justice, tended directly to the benefit of the whole community. The following were the principal clauses of this nature.

It was ordained that all the privileges and immunities above mentioned, granted to the barons against the king, should be extended by the barons to their inferior vassals. The king bound himself not to grant any writ, empowering a baron to levy aid

from his vassals, except in the three feudal cases. One weight and one measure shall be established throughout the kingdom. Merchants shall be allowed to transact all business without being exposed to any arbitrary tolls and impositions; they, and all free men, shall be allowed to go out of the kingdom and return to it at pleasure. London, and all cities and burghs, shall preserve their ancient liberties, immunities, and free customs; aids shall not be required of them but by the consent of the great council. No towns or individuals shall be obliged to make or support bridges but by ancient custom. The goods of every freeman shall be disposed of according to his will; if he die intestate, his heirs shall succeed to them. No officer of the crown shall take any horses, carts, or wood, without the consent of the owner. The king's courts of justice shall be stationary, and shall no longer follow his person; they shall be open to every one; and justice shall no longer be sold, refused, or delayed, by them. Circuits shall be regularly held every year. The inferior tribunals of justice, the county court, sheriff's turn, and court leet, shall meet at their appointed time and place. The sheriffs shall be incapacitated to hold pleas of the crown; and shall not put any person upon his trial from rumour or suspicion alone, but upon the evidence of lawful witnesses. No freeman shall be taken or imprisoned, or dispossessed of his free tenement and liberties, or outlawed, or banished, or anywise hurt or injured, unless by the legal judgment of his peers, or by the law of the land; and all who suffered otherwise, in this or the two former reigns, shall be restored to their rights and possessions. Every freeman shall be fined in pro-

portion to his fault, and no fine levied on him to his utter ruin: even a villain or rustic shall not, by any fine, be bereaved of his carts, ploughs, and implements of husbandry. This was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom.*

As a legal and political instrument, Magna Charta retains no force in itself, for it was framed before those authorities we now give allegiance to were recognised by the nation. When parliaments, forming a certain number of the representatives of the people, were unknown, Magna Charta constituted a compact between the sovereign feudal chief, and his fellow chieftains. The enactments it contains refer, therefore, to a state of law now entirely abolished, and when viewed in this light, its intrinsic value consists in a very formal declaration, that the personal will or pleasure of the sovereign, shall not be paramount unless by the consent of the most influential members of society,—that is the owners and proprietors of land. As a solemn, and public declaration of the limits of the governing power, and its subjection to regular and known laws, this charter has been of great value to the cause of civil freedom, and the progress of public discussion. As a substantial enactment it is now of no value; and only occupies the position of an old deed to prove the right to a title. As the first grand declaration of public rights, however, it must be held to be very interesting to every liberal and intelligent mind, and eminently useful to the political student, enabling him to trace by what gradual progress principles of independence and liberality are diffused over

* History of England.

the surface of social communities. It has unquestionably been subjected to extravagant praise in some instances, particularly when party purposes were to be served, or when an opportunity offered for a little rhetorical display. During the seventeenth century, when the great battle was fought between privileges and rights, Magna Charta, was the ground work of much of the argument of those who were for the further limiting and defining the prerogatives of the crown. The matter in dispute was finally settled by the expulsion of the Stuart family; and the whole of the feudal system having been swept away by the abolishment of all its tenures, and incidents; this constitutional document becomes a mere curiosity, and a sort of fossil remain of an extinct constitutional era. Still it is a noble proof of the energy and sagacity of those times of which we are now treating, as a bold and veritable enunciation of a popular will, (undoubtedly partial and imperfect,) and as a political transaction that must ever form a prominent point in the history of national progress, and civil independence.

A distinguished writer, M. Guizot, makes the following observations on the importance of Magna Charta:—"One is surprised at the forbearance displayed by the barons, till they took arms at length in that confederacy, which ended in establishing the great Charter of Liberties. As this was the first effort towards a legal government, so is it beyond comparison the most important event in our history, except that revolution without which its benefits would rapidly have been annihilated. The constitution of England has indeed no single date from which its

duration is to be reckoned. The institutions of positive law, the far more important changes which time has wrought in the order of society, during six hundred years subsequent to the great charter, have undoubtedly lessened its direct application to our present circumstances. But it is still the key-stone of English liberty. All that has since been obtained is little more than as a confirmation or commentary; and if every subsequent law were to be swept away, there would still remain the bold features that distinguish a free from a despotic monarchy. It has been lately the fashion to depreciate the value of Magna Charta, as if it had sprung from the private ambition of a few selfish barons, and redressed only some feudal abuses. It is indeed of little importance by what motives those who obtained it were guided. The real characters of men most distinguished in the transactions of that time are not easily determined at present. Yet, if we bring these ungrateful suspicions to the test, they prove destitute of all reasonable foundation, and equal distribution of civil rights to all classes of freemen, forms the peculiar beauty of their character. In this just solicitude for the people, and in the moderation which infringed upon no essential prerogative of the monarchy, we may perceive a liberality and patriotism very unlike the selfishness which is sometimes rashly imputed to those ancient barons. And, as far as we are guided by historical testimony, two great men, the pillars of our church and state, may be considered as entitled beyond the rest to the glory of this monument; Stephen Langton, Archbishop of Canterbury, and William, Earl of Pembroke. To their temperate zeal for a loyal government, England was indebted

during that critical period for the two greatest blessings that patriotic statesmen could confer; the establishment of civil liberty upon an immovable basis, and the preservation of national independence under the ancient line of sovereigns, which rasher men were about to exchange for the dominion of France."

This charter was further confirmed by John's successor, Henry III.; and it is to this enlarged and amended document that general reference is made by historians and constitutional writers. Henry was only nine years of age when he ascended the throne, but the first act he did, by the advice of his guardian, the Earl of Pembroke, and the Pope's legate, was to confirm the great charter, with certain additions and alterations. This was effected at a national council held at Bristol, in the year 1216. The articles relative to the forest were embodied into a separate charter, and called the *Charta Forestæ*, to distinguish it from Magna Charta.

After the *Capitularies* of Charlemagne, we have in France, a series of *Edicts* or *Ordinances*, of a very voluminous and varied kind. At his death, his empire extended from the Baltic to the Mediterranean, and from the Vistula to the Atlantic. But in a century or two this mighty kingdom was split into fragments; and at the end of the ninth century, France was in reality parcelled out into twenty-nine separate sovereignties, under the head of Counts, Dukes, Marquisses, and Lords. Some of these exercised authority over extensive territories, such as Burgundy, Gascony, and Flanders. From this division of the country, there necessarily arose a great variety of interests, and this again multiplied the number of

written instruments used for the promulgation of royal authority, and for the notification of the changes incident to government, laws, and institutions. The collection of the public revenues of each department or province, and the making and issuing of money, created a vast number of these public Edicts or Ordinances. The system of taxation in France was, for many centuries, a most complicated one, and was so intimately blended with feudal customs and privileges, that historians and politicians have scarcely been able to give anything like a full and faithful account of its manifold ramifications. Indeed, in no two provinces, nor even in any two cities in the same province, were the fiscal burdens alike, either in kind, amount, or in the modes of collection. And matters connected with the circulating medium were in the same anomalous condition. The monetary system proved a harassing instrument to the people. For many centuries the miseries they endured from this source are far beyond description. All sorts of contrivances were adopted by many of the kings to debase the current coin; and at one time, there were no less than *one hundred and sixty-seven* persons who enjoyed the privileges of coining money in France. The consequence was, that the continual variation in the standard of value, completely changed the natural and relative situation of debtor and creditor; and produced, throughout the whole country, nothing but spoliation, injustice, and embarrassment.

The several Edicts or Ordinances issued from time to time, relative to both taxation, and money affairs, are among the most instructive and amusing docu-

ments connected with the political and civil history of this country.

Many of these Ordinances related to the church, in connection with state affairs; many to the seigneurial rights of the French nobility; and a few embraced questions of a fundamental or constitutional character. The Edict of Charles the Bald, in 877, recognised the fœdatory rights to transmit the fief to his heirs, and laid down the special principles of the monarchical inheritance. But soon after the death of this king, the Edicts and Ordinances became supplanted, by what were called *General Customs*. These assumed all variety of forms, and were not committed to writing till the end of the eleventh century, when they were compiled by Godfrey of Bouillon, and published under the title of the *Assizes of Jerusalem*. About fifty years after, there was a more correct and extended digest made of them by a Milanese lawyer, and called *Libri Feudorum*. Sometimes these General Customs were published by order of the government of particular Provinces, such, for example as Brittany, Normandy, and Champagne; but up to the termination of the fourteenth century, there were not more than twelve of these codes duly made public in writing, and circulated through the country.

The number of political charters, in other parts of Europe, which date before the termination of the fourteenth century, are but few in number, and not of much intrinsic importance. We have the *Golden Bull* of Germany, issued in 1356, which regulated the manner in which the Emperor was to be chosen, fixes the number of electors, and enumerates and defines their civil and political privileges. Hungary, however,

boasts of the great Charter earlier than this, the *Bulla Aurea*, in 1222, seven years after the date of our own Magna Charta. The Hungarian resembles our English Charter in many points, particularly in this, that it was a formal recognition of existing and violated rights. It likewise contains a stipulation of resistance, in case its provisions should be again trampled underfoot by the reigning powers. The *Magna Curia*, conferred on Sicily, by Frederick I., in 1162, is an important document, considering the times in which it appeared. In Spain there was a code, called the *Magna Charta* of Arragon, in 1283, which secured a large measure of freedom to the people, and defined, with great accuracy, the various functions of both the kingly office, and the representative assembly of the nation.

CHAPTER XII.

THE INFLUENCE OF THE FEUDAL SYSTEM ON POLITICAL SENTIMENT AND SPECULATION.

WE come now to notice another distinct and peculiar element, in the early stages of European civilization, which has furnished materials for considerable political speculation, and which has left its imprint on every constitution of Europe at the present day. This is the feudal system. A few observations upon it are desirable, for the sake of elucidating some important principles of political science.

The common origin of feudal rights, is usually attributed to those causes, which mainly contributed to the downfall of the Roman Empire. When the hordes of people, from the forests, and morasses of Germany, and the neighbouring countries, poured into the Roman states, they took possession of the conquered provinces, and divided the land, in given proportions, between themselves, and the original possessors. But these appropriations were not by any means universal; for there was a considerable portion of territory still retained in the hands of the native inhabitants, which was allowed to descend, from generation, to generation, by the nominally established laws of paternal inhe-

ritance. These lands were called *allodial*, and were free from every kind of burden, but that which was necessary for the defence of the state, and the maintenance of its public justice, and institutions.*

The feudal lands were in possession of the chiefs, and nobles among the conquerors; and they divided them out to their respective followers, in consideration of certain services, which shall be more particularly enumerated hereafter. But besides these landed possessions of the nobility, very considerable tracts of land were consigned to the King, whose authority and privileges in some cases, were so very limited, that he had little else to distinguish him from the rest of the aristocracy, except a more extended territorial range; these crown lands were chiefly reserved to support Kingly munificence, and dignity; and in the course of time, the monarch divided part of them, and gave them to favourite subjects, in consideration of either public or private services. These lands were denominated *benefices*—some authors maintain that there were no expressed civil or military duties connected with the holding of these benefices; while others again think it highly probable, that a tacit understanding always existed between the proprietors of benefices and the crown, and that the former should lend their assistance to the latter at all times of difficulty and danger.

Writers on the feudal laws, are not unanimous as to the nature and extent of these beneficiary grants. The general opinion is, that some were held under pleasure of the crown, some for life, and a few were invested with hereditary rights. Those of the latter,

* Blackstone's Commentaries.

by the ordinary laws of all human society, became subject to a further division; and this was called *sub-feudation*. This arrangement completed what commonly goes under the name of *feudal tenures*.

In the course of a few centuries, the *allodial*, or independent proprietors of land, became merged in the feudal nobility. This arose from the unprotected condition of the former, and the rapacious, and tyrannical conduct of the feudal lords towards them. It is alleged that at the termination of the eleventh century, that almost all the allodial land in France had become subject to feudal tenures.*

The principle on which the feudal law, of all the countries of Europe was founded, was that of mutual support. Obligations were laid upon the vassal to perform certain services to his lord, while the latter covenanted to yield the former every degree of assistance and protection. Sir Henry Spelman defines a feudal tenure to be—"A right the vassal hath in land, or some immovable thing of his lord's; to use the same, and take the profits thereof, hereditary, rendering unto his lord such feudal duties, and services, as belong to military tenure; the mere property of the soil always remaining to the lord." If this compact of mutual duty, and obligation, were, in any essential degree, infringed upon, the vassal forfeited his estates, and the lord his seigniority, or feudal rights over it. But though self-interest was a strong connecting link, in this social confederacy, it was not the only one. Other principles lent their aid, towards a faithful discharge of mutual covenants—ancient custom, family attachment, the principles of personal honour; and

* Robertson.

the still more weighty sanctions of religion ; all combined to strengthen the feudal tenure, and to render its various provisions effective for the ultimate end it was intended to produce.

The ceremonies of conferring fiefs were principally three, namely, *homage*, *fealty*, and *investiture*. Homage was considered as significant of the submission, and devotedness of the vassal towards his lord. In performing homage, the head of the vassal was uncovered, his belt ungirt, his spurs and sword removed; he knelt, and placed his hands between those of his lord, and promised to be devoted to him from thenceforward ; and serve him with life and limb, faithfully and loyally, in consideration of the lands which he held under him. The oath of fealty was necessary for the establishment of every fief ; but differed little in substance, or in language, from the mode of doing homage. Investiture was of two kinds, called proper, and improper. The first was the putting of the vassal in possession of land by his lord or his deputy—the second was symbolical, and consisted in delivering a piece of turf, or stone, a wand, a branch of a tree, or any other thing as a token of complete possession.

The obligations of a vassal were numerous. It was a breach of duty to divulge the lords secrets, to conceal from him the evil intention which others entertained towards them ; to injure his person, or fortune, or to violate the sanctity of his mansion, and the honour of his family. All military duties, were generally settled by some local custom or usage. Men turned of sixty, public magistrates, and women, were free from personal services, but had to send their sub-

stitutes. If this was not done, it was strictly in law tantamount to forfeiture of the fief.

But, besides these privileges which the lord possessed, there were others of a less important nature. These were called—1st *Reliefs*; 2nd *Fines*, upon alienation; 3rd *Estreats*; 4th *Aids*; 5th *Wardships*; and 6th *Marriage*. A relief was a sum of money due from every person of full age, obtaining property by descent. This sum varied in different countries and places; and the exacting of it became in many cases, a source of tyranny and oppression. Fines upon alienation, were the amount which every vassal paid to his lord for the alienation of his feud.

These fines depended upon various national and local customs. When certain fiefs became vacant, for want of heirs, there was no power of will, by which they might be left to another. These forfeited lands, therefore, fell into the hands of the lord from whom they had been originally derived. These were called estreats or forfeitures. Aids were a sort of local exaction, arising out of no fixed principle of feudal right, but superadded to the system by particular customs. Wardship was the power the lord had over his tenant during his minority. This power was almost solely confined to England and Normandy. This right embraced both the power over his person, and the profits of his estate. According to Norman and English law, a lord possessed the power of tendering a husband to his feudal wards, while under age, and in case the person tendered was refused, there was a forfeiture of the value of the marriage, which was estimated to amount to as much as any would give to the guardian for such an alliance. This feudal privilege was also

extended to male wards; and became a fruitful source of revenue both to the king and the lords.

In addition to these few remarks upon the nature of the feudal laws, throughout most of the countries of Europe, we shall advert to an opinion entertained by some writers on general law, that these feudal tenures derived their origin from the Roman law of patrons and clients, framed as early as the time of Romulus himself. The clients held their patrons in the highest esteem, gave them their votes and interest; and when the patron was reduced to indigence, the clients subscribed among themselves to relieve his wants, and portion off his daughters. The patron's duty, on the other hand, was to advocate the cause of his clients, and defend them in courts of law, when their lives or fortunes were endangered. In the feudal connection there seemed to be a social reciprocity of a similar description. The vassals held their lords in high regard, and when the latter experienced reverses of fortune, the former gave them assistance. The fortune of the eldest daughter of the lord was always paid by the vassals, and if they were impleaded, they claimed defence in return.

This is the full amount of similarity between the two institutions. The differences, however, were principally the following. The relation between patron and client, was a mere civil relation; whereas the relation between the lord and his vassal was founded upon a military tenure, and confirmed by an oath, which was not required between patron and client. The aid which the vassal gave to the lord in case of necessity, was purely voluntary, except in three special cases. The Roman client's estate was

his own absolute property; but the vassal had only a qualified interest in his possessions. He could not bequeath, nor alienate without his lord's consent. The lord was not always bound to be the tenant's advocate. The fealty of the vassal, and the protection of the lord, were circumscribed within the bounds of the feudal contract; for the lord was only obliged to advocate the rights of his vassal as far as the latter held lands of him, and the vassal's obligations were in proportion to the lands he held of his superior. And in addition to this, the lord's jurisdiction extended over all his dependents, and he sat as judge to determine such controversies as arose among them.*

The following definition of *allodial* property is given by Judge Blackstone, and is well entitled to especial notice.

"The word *allodium*,—the writers on this subject define to mean every man's *own* land, which he possesseth merely in his own right, without owing any rent or service to any superior. This is property in its highest degree; and the owner thereof hath *absolutum et directum dominium*, and therefore is said to be seized thereof *in dominico suo*, in his own demesne. But *feodum*, or fee, is that which is held of some superior, on condition of rendering him service; in which superior the ultimate property of the land resides. And, therefore, *Sir Henry Spelman* defines a *fued* or fee to be the right which the vassal, or tenant, hath in lands to *use* the same, and take the profits thereof to him and his heirs, rendering to the lord his services; there was always *allodial propriety* in the

* See the writings of Mably, Hume, Robertson, Guizot, Brougham, and Hallam, on the Feudal system.

soil always remaining in the lord. This allodial property no subject in England has ; it being a received, and now undeniable principle in the law, that all the lands in England are holden mediately or immediately of the king. The king, therefore, only hath *absolutum et directum dominium*, but all subjects' lands, are in the nature of *foedum*, or fee ; whether derived to them by descent from their ancestors, or purchased for a valuable consideration ; for they cannot come to any man by either of these ways unless accompanied with those feudal clogs, which were laid upon the first feudatory when it was originally granted. A subject, therefore, hath only the *usufruct not the absolute* property of the soil, or, as SIR EDWARD COKE expresses it, he hath *dominium utile*, but not *dominium directum*. And here it is that in the most solemn acts of law, we express the strongest and highest estate that any subject can have by these words, "he is seized thereof, *in his demesne*, as of fee. It is a man's demesne, *dominium*, or property, since it belongs to him and his heirs for ever ; yet this *dominium*, property, or demesne, is strictly not *absolute* or allodial, but qualified or feudal ; it is his demesne, *as of fee* ; that is, it is not purely and simply his own, since it is held of a superior lord, in whom the ultimate property resides."*

* This statement, as to allodial property, must be taken with considerable limitation. In the *Histoire Général de Languedoc*, it appears that during the ninth, tenth, and eleventh centuries, nearly the whole property of that province was allodial. Scarcely any allusion is made to feudal tenures in the deeds of that part of France. The same thing may be observed respecting Catalonia and Rousillon ; for we find in original charters published in Marca's work *De Marca sine Limite Hispanica*, that a considerable portion of the country was held under allodial tenures. In the Low Countries a good part of the country was allodial, even in the thirteenth and fourteenth centuries.

In looking therefore at the feudal system as a whole and in a political point of view, we may clearly see, that it had its advantages and disadvantages; and considering the time at which it was established, it is a difficult question to decide which of these predominated. When the Roman empire in the West was entirely overthrown, her laws were buried in the general wreck. For two or three centuries after the time of Constantine, the nations of Europe presented a lamentable aspect of darkness and devastation. The feudal system arose out of this chaos, and the principle of order and submission to authority, on which it is based, formed the nucleus of succeeding governments of a more liberal and efficient character. The very first effects of this new system of social order, were to greatly modify the various codes of law, which the barbarian nations had introduced into their newly conquered countries. The Salic, the Ripuarian, the Alemanic, the Burgundian, the Visigothic, and Lombard codes were by this means greatly altered from their original state.

The leading features of the feudal system present a singular combination of liberty and slavery, social order and individual independence, civic protection and lordly despotism. This system inspired man with the feelings and sentiments of personal dignity and wealth; and yet, strange to say, it doomed him to feel every hour of his life, the capricious exercise of undefined and irresponsible power. But in considering the time at which feodality became firmly established, a candid judgment may come to the conclusion that on the whole the change was a beneficial one. The slavery of the peasants, and the harrassing

oppression they had to endure, in almost every country, seem odious in our eyes, and have tended to connect in our minds with the name of feudal laws, everything that was politically base, detestable, and wicked. But we should remember that the great majority of the industrious classes of the nations under the Roman government, were in a miserable condition; so debased and miserable, indeed, as to make them consider their becoming serfs of the glebe, a change for the better. They were placed under some degree of shelter and protection, and gradually prepared, by the formation of peaceable and domestic habits, for a more extended portion of political liberty and happiness.

The effects of the feudal system on general governments, and on the tone of political sentiment and opinion, has been great from the time of its establishment to the present hour. We can only, however, glance here at some of the most conspicuous and influential of these effects. In doing this the reader must bear in mind that we are treating of a subject about which there are great doubts and uncertainty. A recent distinguished writer, in speaking generally of this singular system of polity, makes use of the following cautionary and pertinent remarks. "The accounts given of the feudal system by some writers differ materially, and there is certainly a great discrepancy among the authorities both as to facts and opinions. The subject is involved in obscurity. Besides the controversy as to feuds originally being held at will, the following points are, among others, subjects of dispute:—namely, the manners of the Germans; their yearly division of land; their improvement between Caesar's time and that of Tacitus; their

progress from that period till Clovis's invasion; the comparative advances made by the Lombards, and the other races; the virtue and merits of the Franks; the conquests, authority, and character of Charlemagne; the original obligation of allodial proprietors; those proprietors being the descendants of the conquered owners; the exclusive military nature of the feudal relation at first; the influence of the Roman manners and customs on those of their conquerors; the similarity of the feudal relation to that of the Comites and Ambacti; the existence of that relation among the Anglo-Saxons; the origin of soccage tenures in England. These probably arose from the Saxon times."*

One of the prominent effects of feudal rights and customs, was the peculiar relationship established between the baron and his sovereign. This was a relationship of mutual promises, duties, and conditions. The king stood in the same position to the lord, as the lord did to his vassals. But as the feudal chief was seldom with his sovereign, and always surrounded by his dependants and retainers, there was a stronger bond of sympathy and union between him and the latter, than between him and the kingly office. Hence his almost invariable independent deportment towards its regal demands, and the constant and bitter contests between the ruling and baronial authorities, in all the countries in Europe for many ages. The political fruits of these mutual struggles are too numerous to be even barely enumerated.

The feudal power was a direct and powerful check upon the absolute will of kings and rulers. This power was oftentimes, indeed, exercised in such a manner

* Brougham's Poli; Phil: vol. 1, p. 292.

as to render the kingly office inefficient for the proper discharge of its political functions. The warlike nature of baronial authority was the chief cause of this ; for the monarch was but a very helpless creature, both for maintaining peace at home, and for carrying on wars abroad, unless zealously seconded and supported by his lords and their vassals. Nothing was more uncertain and capricious than an armed force, headed by such a number of independent chiefs.* Personal quarrels and jealousies, different interests and family connections, and the sturdy maintainers of individual humours and opinions, made every kingly or national enterprize, however praiseworthy or justifiable, a matter of uncertainty as to its movements and results.

This warlike character which constituted the leading element in the feudal system, was completely antagonistic to all the civil, and social improvements and advantages of life. When it flourished in its original rankness, nothing valuable would grow under its poisonous shade. The founders of it were the most reckless and blood-thirsty of men. They were called in their day, "the scourge of God,"—"the destroyers of nations." Long after the fever of general conquest and indiscriminate and barbarous devastation, had subsided, the arts of peace, refinement, and social harmony, were despised, and scornfully thrust aside, as being effeminate and degrading pursuits, unworthy of the manly courage of a knight and his retainers. Physical strength and bold adventure were the only admitted differences between one man and another.

* There were 1115 Baronial Castles in England in the twelfth century.

Society was torn asunder by party rivalships, animosities, feuds, and disputes; so that the human mind was perpetually kept in a state unfit to prosecute those objects, which alone can lead it to unfold its own innate dignity, worth, and importance. On this point, Lord Brougham justly and forcibly observes, "The barbarous manners and tastes of the barons disdained, like those of their German ancestors, any profession but that of arms, as they knew no wealth but that of the soil. Hence the arts of peace were everywhere despised and discouraged. Mercantile occupations continued till nearly our own times to be almost everywhere, but in England, looked down upon as unbecoming a gentleman; and even with us at this day men of rank very seldom engage in them. * * * Landed property having such prerogatives and immunities attached to it, and conferring the only estimation recognised in the community, acquired an exaggerated and almost exclusive value; and all connected with the ownership became invested with peculiar claims to respect. The feudal aristocracy was an adjunct of land. Hence the ideas so inveterately rooted in modern Europe of the superiority of landholders above men as rich, and as well educated, and as well bred, whose property comes from other sources, or whose income is derived from trades and professions. The effects of this prejudice are still felt far and wide in the society of every country at this day."*

That which in modern times goes under the denomination of *aristocratic influence*, and which forms such an important element, both in practical and theoretical politics, took its rise from the feudal system. It fully

* Polit; Phil: vol. 1, p. 310.

and firmly established a privileged class in every European state, and implanted ideas of superiority and assumption in certain family alliances and descent, totally irrespective of personal qualifications, genius, or endowments. When this system was in the height of its glory and power, men were every way invested with legislative and judicial authority of the most sweeping character, solely because they were the offspring of particular families. The life, property, and freedom, of the entire community were placed in their hands, without the least check of public responsibility or obligation. This unnatural order of things—for unnatural it really was—continued for many centuries; and it is only in very recent times that the system has been broken in upon in a few countries,—such as Great Britain, France, Belgium, Holland, &c.,—and has undergone such modifications and curtailments, as to make it somewhat reasonable and bearable, and less injurious to the common rights and interests of the people.

The short abstract we have now given of the nature of the feudal laws, naturally suggest to our minds a few general observations, on the nature of that tenure by which land is held in all civilized countries, and the species of burdens it is, under all circumstances, fixed upon to bear.

It is quite obvious, from universal history, that mankind have always looked upon the land as the original source of the mass of their wants; and that whenever any great disarrangement has taken place in the social and political relations of a nation, they have uniformly looked towards it, as a permanent source of relief. The community have invariably viewed

landed possessions as always burdened with providing subsistence and shelter for the bulk of the nation; whatever might be the modes adopted for their general distribution. And this principle of obligation lies at the root of all theories of landed tenures in every country, which enjoys any regular form of civil polity. The soil is held *in trust* for the wants of the community. There never is, nor never can be, any *absolute* property in land; because no form of civil government will allow the practical operation of such a tenure. We are furnished with abundant evidence of the truth of this general principle, in the history of the early stages of the Roman government, when its agrarian laws were enacted by Spurius Cassius; in its more advanced state of refinement and luxury, during the reign of the Emperors; and still more pointedly in its decline and final subjugation by barbarian enterprise and force. We may also refer to the various codes of laws which, for several centuries, supplied the place of the Roman system of jurisprudence. In more modern times, we also find many similar illustrations of this conditional tenure of landed property. In France there was, for several centuries before the revolution, an evident attempt to act upon the absolute right in the soil, by the great landed proprietors of that country; and the effect was, that when the revolution took place, this yoke was thrown off the neck of the nation; the mass of the people's right to the usufruct of the ground was established, and a more equal law of inheritance enacted. In our own country we find the same elemental notions of a right in the soil, pervading the public mind, whenever great national distress prevails.

CHAPTER XIII.

ON THE NATURE AND ORIGIN OF FREE CITIES, AND THEIR INFLUENCE ON POLITICAL LITERATURE AND SENTIMENT.

POLITICAL sentiment is so often powerfully stimulated, or retarded by the external conditions and fortunes of a nation, that we are apt to imagine that the mere intellect has little to do with the matter, either in the way of development or illustration of great social truths and systems of polity. The fact is, however, that mental suggestions and external circumstances act, and re-act on each other, in certain indefinable proportions. In the political history of mankind we find a concurrence of remarkable events at stated periods, which either greatly expanded their views on the nature of government generally, or tended to suspend inquiry and stifle thought for perhaps a long and indefinite period. Ideas of permanent utility, the exigencies of the day, the clashing of particular interests in the state, the subtilty of intrigue, and the blindness of brute force, enter so largely as constituent elements into the formation of every actual form of polity, that it requires some nicety and skill to separate the mental agents of national progress,

from what is merely accidental and transitory. Some particular event happens to a nation, probably of little or no abstract importance, and forthwith its public mind is immediately directed into some new channel of thought or action; novel views of political and domestic interests present themselves; general discussions ensue, and the field of political literature becomes eventually extended, and rendered more fruitful and prolific. It is thus that mere historical events and incidents are found so indissolubly interwoven with written systems; and to separate, by analysis, the several ingredients of the compound, is often both an elaborate and uncertain experiment.

The origin of free cities is one of those external events, which, though at first considered merely in the light of an ordinary social arrangement or privilege, has proved a fruitful source of much of that popular liberty which many nations at present enjoy. The gradual consolidation of these burgher institutions, though slow and stealthy, rescued the people out of a state of savage ignorance; conferred upon them the power of breaking the chains which then bound them to tyrannical and feudal superiors; and of inspiring them with that self-reliance and force of character, which ultimately conducted them to freedom, wealth, and happiness. These free cities or communes afford a striking illustration of human nature, and of the growth and adaption of means to an end, and must ever be pregnant with peculiar interest to the philosophical politician.

In instituting an inquiry of this kind, it is requisite to remark at the outset, that communes or free cities are commonly divided into two classes, arising chiefly

from the nature of their origin, and certain particular ingredients which formed elementary principles in their civil constitutions or charters of incorporation. The first class are those free cities of *Roman*, and the second of *German* origin. This distinction appertains more directly to France, and to the Low Countries, which at one time formed part of Roman Gaul. In the South of France, embracing the country situated between the Loire, the Pyrenees, and the Alps, there were many cities which had preserved nearly entire, all the municipal *regime*, and civil privileges of the Roman states. The lay lords, Bishops, and other influential classes, had never interfered with the rights of the citizens, nor made any inroads whatever on their commercial institutions. On the other hand, the cities in the North of France partook more of German feeling, were composed of more rude and boisterous materials, and were subjected to greater vicissitudes and sufferings, than those of the Southern part of the Continent.

From the fifth to the tenth century, the generality of the cities and towns in Europe, were in a sort of mixed position, partaking equally of a state of slavery and independence. In some, particularly in the South, the liberal municipal institutions which formed the chief strength of the Roman power had never been lost; while in other sections of the Continent the majority of cities enjoyed a clerical establishment, commonly headed by a Bishop, which in those days of increasing wealth and importance of the Church, contributed greatly to create and foster a species of popular liberty and independence of thought. But the condition of this last class of towns was materially

deteriorated by the growth and final organization of the feudal system. Unprotected by adequate fortifications, they fell completely into the power of some neighbouring lord, and, becoming fiefs, and included within his domains, they lost all individual identity, and became as equally subject to his will or caprice, as those born on his estates, or who followed his standard and fortunes. During the progressive establishment of feudal institutions, another class of cities or boroughs grew up. When the great lords were checked in their predatory habits of life by the definite division of property which eventually took place, collections of their retainers and dependants established themselves under the protection of their castles and fortresses, where their wants and wealth gave rise to some portion of trade and commerce. Sometimes, indeed, the lawless barons felt little scruple in appropriating such gains by stronghand; yet enough of legitimate traffic often remained to afford some inducement, in times of general confusion and misrule, to a part of the community to take up their residence in these villages. But there was another ingredient in the composition of these elementary boroughs, which, consisting of a small number of individuals, exerted, perhaps, the most striking influence over their characters and tastes. The churches erected in these small communities, were the only establishments secure from feudal rapacity and violence, and they consequently became asylums for refugees of a higher order. Many numerous and fierce disputes likewise took place between the barons themselves, or with some regal authority, when often the weaker part of them, being entirely worsted in the conflicts, were often glad to

take refuge with their families in these sheltered towns, leaving fortune, honour, and estates behind, and throw themselves at the foot of the altars of religion. Thus these unfortunates became insensibly amalgamated in the course of time with the townspeople and merchants of the place. The influence of such a class of refugees may be readily conjectured, and we shall not be far mistaken in referring to that influence, much of the spirit of individual and personal independence which began very gradually to display itself, among this species of free cities or boroughs. The townsmen were continually coming in contact with the feudal nobility, who, being partially protected from the general tyranny, and partly countenanced as a distinct class, inspired the incipient burghers with loftier feelings of self-respect, and with a boldness of manner, which led insensibly to an amelioration of their civil and social condition.

About the commencement of the tenth century, many of the chief towns and cities on the continent had acquired wealth, and the possession of it gave rise to constant violence and contention. About the middle of this epoch, rapacity was at its height, and the complaints of the citizens were loud and universal. When the bailiff of some feudal lord made a predatory incursion on the city, he often found the private houses barricaded, and their owners in a position to offer no mean degree of resistance to his lawless attack. In fact, the town residences of the people were often at this period constructed with such strength, that they appeared rather like castles than houses. The walls were of great thickness, and the separate apartments so disposed as to secure the greatest amount of

personal security. Towers of a square form were likewise often added, to increase the means of defence. It was thus that the spirit of individual daring was created, and which centuries of violence and mutual struggles, fostered and strengthened.

The Italian cities, as we have already intimated, were the regular inheritors of the Roman municipal institutions, and were never without some share of freedom to which the country districts of Italy were strangers. The political sentiments which emanated from those cities were early and extensively diffused throughout the entire European continent, and formed a powerful element in the gradual and solid expansion of liberal and enlightened ideas on individual right, and national polity. The mystery which hangs over the origin of most of these republics; their extensive commercial relations and enterprises; the singular nature of their civil institutions; their fierce conflicts for superiority, riches, and power; the perfidious and savage cruelty perpetrated within their jurisdiction; their heroic and warlike achievements; the steady growth of their mercantile and other resources, compared with the smallness of their respective territories; and their gradual declension into a state of social and political effeminacy, torpor, and decrepitude; present a chapter in the history of the human family, at once the most stirring and politically instructive.

The free cities of Italy were strictly speaking of two classes, not varying so much in their municipal physiognomy, as in the period of their creation. Italy in the height of her glory, and power, was covered with cities, many of which almost rivalled Rome herself; such as Milan, Verona, Bologna, Capua, and many

others. The political constitutions of these cities were nearly republican; for the people learned to copy after the imperial city; and consequently had their municipal senate elected by the citizens, as well as their annual counsels. These cities, however, fell a prey to barbarian invasion; but when something like social order, industry, and peace, arose again out of this disorder, these free cities still retained a greater or less portion of their former municipal customs and privileges. This circumstance imprinted a remarkable feature upon their corporate organization. The other class of free towns were those which arose from the eighth to the twelfth century. M. Sismondi describes those in the following graphic words. "They began with surrounding themselves with thick walls, ditches, towers, and counter guards at the gates; immense works, which a patriotism ready for every sacrifice could alone accomplish. The maritime towns at the same time constructed their ports, quays, canals, and custom houses, which served also as vast magazines for commerce. Every city built public palaces for the *Signoria*, or municipal magistrates, and prisons; and constructed also temples, which to this time fill us with admiration by their grandeur and magnificence." These three regenerating centuries gave an impulse to architecture, which soon awakened the other fine arts.

The republican spirit now fermented in every city, and gave to each of them constitutions, such wise magistrates, and such zealous and patriotic citizens, so capable of great achievements, that they found in Italy itself the models which had contributed to its formation. The war of investitures gave wing to this

universal spirit of liberty, in Piedmont, Venetia, Romagna, and Tuscany.

The cities of Amalfi and Venice were decidedly in advance of their neighbours. From the sixth to the twelfth century Amalfi enjoyed great freedom and independence; and Venice in the tenth and eleventh centuries, was at the height of her glory and power. The cities of Lombardy, even in the ninth century displayed signs of liberty and prosperity, and aspired to self-defence, and self-government. The citizens elected their own magistrates, subject to the approval of the Bishops.

Genoa in the twelfth century had a regular system of government, of a very popular cast. Everything of moment was reserved for the decision and approbation of the citizens. We find its parliaments continually convened whenever there were wars, or national treaties or alliances to enter into. The Tuscan cities were independent of the state about the same period of history. Florence was at the head of these. About a couple of centuries afterwards the popular party established a thoroughly democratic constitution.

The German cities were in their origin and constitution of a somewhat different character from the Italian cities. In the ninth century, the people of Germany lived in open towns or villages, under the surveillance and protection of their feudal lords. In the time of Charlemagne the city of Hamburgh was built; and in about a century afterwards, a few more walled towns appeared on the banks of the Rhine and Danube. A charter was given to Magdeburg, in the year 940, "to build and fortify their city, and exercise municipal law therein." The first city erected on the

shores of the Baltic was Lubeck, which dates from 1140, and whose charter was given by Adolphus, Count of Holstein.

The free cities of the Netherlands were earlier than those of Germany. In the tenth century Thiel contained no less than fifty-five churches, and therefore, must have contained a considerable population. Liege, Utrecht, and Tournay, are all distinguished in the middle ages. Under the forms of guilds and fraternities the people leagued themselves together, and secured their civil and political privileges. These rights consisted of the freedom of every class of citizens, the possession of property, the privileges of trial by their own judges, a limited service, and an hereditary title to feudal estates, in a direct line, on the payment of certain dues and fines. These were the rights of the Frieslanders.

Now, these two classes of free cities, the one of Roman and the other of German origin, possessed many characteristics in common, but there was, nevertheless, a prominent distinction between them. Those of Roman extraction displayed always more or less an oligarchical spirit. The old Roman usages and customs attached themselves closely to them; and the share of civil liberty possessed by the people at large, and the modes in which it was exercised; savoured strongly of the despotic spirit of Imperial authority. On the other hand, we find in all the free cities of German origin, a more republican and democratic feeling. The people set a high value upon their communal rights and customs; loved to take an active part in the choice of their magistrates and rulers; and to express their sense of public wrongs and acts of in-

justice in general assemblies, called together by their own will and power. Here common sense and feeling generally gained the ascendancy over technical rules, and baronial authority; and the community of citizens felt a personal interest in every question which affected their privileges and well-being. This popular spirit ran through all the communes; and serves to distinguish them from the offshoots of Roman legislation.

These free cities of German or Saxon spirit were exceedingly attentive to all matters relative to the administration of justice. All their forms of law were of a merciful and liberal character. The first thing the citizens looked to when they obtained an act of incorporation, was to have the privilege of being tried before a tribunal, composed of twelve or thirteen men, elected by the people at large, called sheriffs. A mayor or chief magistrate presided at this tribunal, who commonly exercised but a subordinate jurisdiction, while the higher power was invested in the hands of a lay, or an ecclesiastical count or lord. By degrees, however, this higher power fell also into the hands of the mayors. The communes obtained in the due course of time a power to buy or sell its corporate goods, and officers were appointed, called *juries*. These, with the sheriffs, formed an *inferior council*. In large and populous cities the burgesses had a superior council, which was composed of its principal, wealthy and influential citizens.

Another important feature in the commercial cities, was the right of assembling in the *Grand Place*, or in some other appointed spot, for the purpose of deliberating upon all matters connected with the welfare

of the people. A clock placed in a tower, called a *Beffroi*, served as a signal for meeting together. Here the most perfect equality of citizenship prevailed; and public spirit and independence were fostered with fastidious care.

In Spain, the contests between the Christians and the Moors caused the struggling kings to seek for some stay against the encroachments of the infidels. This could only be done by means of fortified towns, which were consequently early constructed, and endowed with most extensive privileges. By the general tenor of their charters, the royal power was made altogether subservient to the civic within their walls; and though "Governors" were appointed by the king, their jurisdiction extended only to command in the field against the enemy. Large grants of land were also made to these corporations by which they became feudal superiors. But for these advantages they in turn allowed the state their bodily services against the infidels, from which no man was exempt. The term was, however, never beyond three days; and a war of defence of home and country, strictly confined to such objects, included none of the usual hardships of military service.

Communities were incorporated in Spain, much earlier than in any other country of Europe. The charter granted to the city of Leon, by Alphonso the Fifth, in the year 1020, makes a distinct reference to the municipal privileges which the citizens had previously enjoyed. During the eleventh and twelfth centuries, similar charters were conferred upon many other towns. In some instances small towns received certain corporate privileges, with a very limited share

of political power. For instance, Berenger, Count of Barcelona, confirmed the franchise of that city, in the year 1025, but this only referred to the exemption of paying rent, and from enjoying any civil or political jurisdiction below that of an affair deputed by the count. We find that a similar grant was made from the Bishop of Barcelona, to a small town in his diocese. The charters of Tarragona, and Lerida, do not contain any grant of jurisdiction whatever. The majority of historians agree in opinion that the Spanish incorporations, were by no means so extensive in their jurisdiction, nor so popular in their spirit, as those in Germany, France, and Italy.

The chartered towns of Castile are worthy of particular notice. These purchased their freedom with money, but upon the condition of protecting and governing their country. The earliest records of a communal institution in this part of Spain, is in the year 1020, when Alphonso the Fifth, in the Cortes of Leon, as we have already noticed, founded the privileges of the city, and conferred upon it a regular code of laws. The towns of Carrion, Llams, and other places were enfranchised by the same prince. Sancho the Great gave to the city of Naxara a similar municipal constitution. Sepulveda dates its charter from 1076, which was received from the hands of Alphonso the Sixth; and Lagrune, Sahagun, and Salamanca, acquired their corporate immunities not long after. The *fuero* or Spanish charter, was a regular compact between the king or the lord, by which either granted a town or a suburban district around it, various privileges, among which was that of appointing magistrates, and a common council; both of whom

were to be solely guided by the laws laid down in the deed of incorporation.

These laws, in their general forms and spirit were evidently derived from the Visigothic code, but underwent various modifications, from local circumstances as to place and time. Almost the whole of these Castilian charters, in point of liberty, went greatly beyond anything known in France or in the North of Europe. These corporate privileges included a controlling power over the private estates of landholders; as well as its inalienable exercise for other communal purposes. The kingly influence was principally confined to the appointment of a governor, receiving the ordinary tribunals, and regulating the fortifications of the town, and its police establishment. The choosing of judges, and the administration of justice generally, rested entirely in the hands of the people at large. It frequently happened in the history of these towns, that even this influence on the part of the crown, was viewed by the people with great jealousy; for the governor was strictly prohibited from using violence towards any citizen without regular legal process; and by the *fuero* of Logrono, should he attempt to enter forcibly into any private house, the inmate might legally kill him.

In return for these extensive privileges, the inhabitants, were bound to pay certain sums of money, and to perform certain military services. The latter obligation was personally binding upon every citizen, except in case of sickness, or infirmity. The people were raised and equipped as militia; and the governor, with the municipal magistrates, were the commanders of it. The service was only for a limited time;

though this depended upon particular circumstances. Citizens of a certain amount of property were bound to serve on horseback; but for this expense, they were exempted from taxes. This regulation created a distinction among the citizens; the cavalry were called *Caballeros*, or noble class, and the other *Pecheros*, or payers of tribute. There was nothing, however, like hereditary distinction in this; it was merely a superior order of citizenship. The houses of these *Caballeros*, could not be seized for debt; they were themselves eligible to the magistracy; and the laws inflicted as penal, anything like insult or molestation towards them. In all civil courts, both rich and poor were placed upon the same footing of equality.

The French Kings, Louis the Sixth and Seventh, conferred a great number of charters upon towns in France. So general did these instruments of enfranchisement become, that at the end of the thirteenth century there were few towns without them.

The Benedictine historians maintain that the city of Nismes had a municipal institution in the middle of the tenth century. The charter of the city of Narbonne dates about the year 1000; although it is only first mentioned in 1080. In the year 1131, the consuls of Beziers are mentioned; and, therefore, its communal privileges must have been anterior to that period. Toulouse lays claim to great antiquity, though its charter of incorporation only dates in 1148. The cities of Montpellier, Marseilles, Arles, and others of less importance obtained their corporate rights about the same period.

It was, however, a different matter with the free cities in the north, and east of the Loire. The numer-

ous inroads of the barbarians had here completely demolished all the Roman institutions. The inhabitants of the towns had been divided among the feudal authorities; and the other part were saved from almost entire annihilation, solely from the conservative influence of the church. In the course of time, towns increased in wealth and population, and became the seats of bishops' Sees, Monasteries, and Abbeys. The inhabitants acknowledged the political authority, sometimes of the ecclesiastical Lord, the lay Lords, and the Abbots. In some cases, also, a division of this power was made between the lay and the clerical Lord, who each governed that part of the inhabitants of the town where he belonged. By this treaty, time and circumstances gradually increased the security which was appended to these communities; and this made them sought after as places of residence for tradesmen, and handicraftsmen, feudal vassals, and the more opulent merchants. The very nature of these social confederacies, inspired the people with principles and sentiments of liberty and independence; and these were often manifested in conflicts with the feudal lords and counts in the vicinity of those towns.*

All the cities of France were subject to some Lord. In those towns called episcopal, the Bishop was the source of authority. On the whole there was not nearly so much freedom and independence of sentiment

* *Ordonnances des Rois*, préfaces aux tomes XI. et XII. Du Cange, voc. *Communia*, Hist, Carpentier, suppl. ad Du Cange. V. Hist. Malby, *Observations sur l'Hist. de France*, l. iii. c. 7. The last author positively affirms that the communes had the right of levying war, lib 3, c. 7. Breguigny seems to agree with him in this opinion. *Ordonnances des Rois*, préface p. 46. See also *Histoire de Lanquedoc*, tom 3, p. 115. And it is worthy of remark here, that one of the privileges of chartered towns was, that of conferring freedom on removing serfs and villains. This privilege was very general.

found in this important section of Europe, as in many other parts of it. The power of France was distributed among the feudal lords; the monarch being allotted but a small share above the rest.

The general statements of historians fix the origin of chartered towns, or free cities in England, about the twelfth century. That of London dates from Henry I. A great number of these free communes were created by Henry II., and also by King Richard, and King John. The creation of a borough interest, affecting political institutions, may be dated from this period.

But there is little doubt that many free cities or towns existed in England long before this date, though perhaps not regularly guaranteed by formal charters of incorporation. Lord Littleton, in his history of Henry II., affirms it as certain, that in England many cities and towns were bodies corporate long before the introduction of charters into France by Louis the Gross. This statement has, however, been controverted.*

It must ever be a matter of great difficulty to form any just and adequate conception of the mode and degree in which political literature was affected, in the early and middle ages, by the popular and republican institutions of free or corporate cities. When they were in the height of their freedom, power, and wealth, the art of printing was unknown, and consequently the records of their civil movements, and the expression of the individual and collective sentiments of their inhabitants, at any given time, were without any active and direct instrument for their diffusion and development. The charters of incorpo-

* See Hallam and Sharon Turner, on this point.

ration themselves, and the civil constitution of each state, were carefully guarded; and it was to these written documents that constant appeals were made by the citizens, whenever their rights and privileges were in danger. The general contents and bearings of these documents must have been pretty accurately impressed upon the memories of the people, and handed down from generation to generation; and they must likewise have been subjected to comment and elucidation in temporary writings, which have now entirely sunk from public view, or which, if still in existence, are only to be found in the obscure corners of large and public libraries, whose contents are but imperfectly known, even to those who have charge of them. In the civil broils and struggles which incessantly took place in these republican and commercial communities, there must have been many political productions from the pens of the more intelligent and zealous partizans, bearing on the chief points of dispute, and which were no doubt circulated from hand to hand in manuscript copies. It was only by such means as this that the leading principles of different parties employed in these political contentions, could have been handed down to us, in modern times, as historical facts and materials.

The free cities must have proved a fertile soil for the growth and cultivation of the general political sentiments of the scriptures, even imperfectly as these were known at the time. It was here that the clergy as a body had great weight and influence. Every one must have noticed that, while the church was straining every nerve to extend its political power, and to gain the mastery over princes and people, there was a steady

advancement of popular right and liberty, flowing and augmenting in many of the chief towns of the European continent. This was a great counterpoise to the dogma of ecclesiastical authority. The clergy saw this but could not better themselves. They had to suffer the liberal tone of feeling to run its course. In many epochs of its history the church even encouraged this independent spirit, and made it subservient to their present interest and power. We have, however, other decisive and pointed proofs, that the current of civil freedom was greatly augmented and accelerated by religious opinions, from the fact, that in many of the old charters of incorporation we meet with expressions such as these:—"We demand the rights and privileges God has given to mankind, as proclaimed in his Holy word."—"We appeal to those principles of justice and rectitude which the Scriptures inculcate."* Indeed, it is one of the most interesting labours of the historian and philosophical politician to trace out these early appeals, in the ancient records of civil governments and institutions, to the great and living principles of Divine revelation.

* See some of the Belgian charters, and those of Castile and Aragon, in Spain.

CHAPTER XIV.

ON THE EARLY DEVELOPMENT OF THE PRINCIPLE OF
POLITICAL REPRESENTATION ; ITS INFLUENCE ON THE
CURRENT OF OPINION, AND ON THE NATURE
AND USES OF GOVERNMENT GENERALLY.

THE principle of political representation is one of the most important in the entire circle of general polity, both for its practical benefits and as being the source of a great portion of our philosophical and popular literature on the art of government. This principle embraces a great variety of considerations, not falling very obviously under the notice of ordinary readers and thinkers; and on this account it is entitled to a more formal and full development than many other purely functional parts of general legislation.

To be acquainted with the current history of this salutary principle of modern governments, is indispensable for the correct comprehension of a great majority of political works, both philosophical and popular, which are daily issuing from the press in almost all countries. It is here that we have a striking example of the necessity of having distinct, precise, and positive conceptions of political institutions, before we can enter, with any chance of benefit, into the regions of purely speculative po-

litics. Without a full and correct idea of the practical, we cannot judge of the theoretical. The positive enactments of a country, the reasons for their adoption, and the circumstances attending their origin and progress to perfection, are the only infallible and established means for guiding the spirit of speculation into wholesome and rational channels.

It is commonly considered, by the ablest writers on the subject, that political representation is an invention of comparatively modern times. In all Oriental governments it is entirely unknown as an instrument of government; the will of the monarch supercedes all manifestations of the individual principle of civil judgment and action. But something approaching to representation is clearly traceable to all the ancient Commonwealths of Greece, Asia Minor, and Italy; and it was, no doubt, from this source that it descended to the Romans, and formed, under many warlike regulations, a constituent element in their general system of legislation.

It is maintained, however, that the representative principle developed by ancient Greeks and Romans, was not the genuine principle of modern representation, but simply a power of *delegation*, which, in its nature and operation, is altogether a different thing. The functions of the delegate of a given community was to act for that community, among other delegates of the same order, and to consult only about what was for the benefit of those who supported or sent him. He was not a representative of any community, interest, or class of persons, but of those who commissioned him; just, in fact, in the same sense as an ambassador

is appointed to represent his sovereign in a foreign court. The delegate whenever sent, was to look to the separate and independent interests entrusted to his care, and had nothing to do with anything beyond them: When a person in ancient times was delegated to a general Council or Diet, he had nothing to do with the internal administration of the states which were represented in it. He could only deliberate on matters concerning the mutual interests of the different states, in their common negotiations with foreigners and other nations.

The principle of representation is, therefore, entirely different from that of delegation. The representative is entrusted with a portion of the general government of the state, while the delegate is confined to local and specific matters. The representative principle is fully and concisely described by Judge Blackstone, when speaking of the English House of Commons. "Every member," says he, "though chosen by one particular district, when elected and returned, serves for the whole realm. For the end of his coming thither is not particular, but general; not barely to advantage his constituents, but the *commonwealth*. * * * And, therefore, he is not bound, like a deputy in the United Provinces, to consult with, or take the advice of, his constituents upon any particular point, unless he himself thinks it proper or prudent so to do."*

The genuine representative principle is commonly supposed to be of German or Saxon origin. The German tribes, long before they left their primeval forests, to make war on Imperial Rome, had fixed and stated assemblies to deliberate on public

* Commentaries, vol. 1, p. 150.

affairs. This fact is substantiated by the direct testimony of Tacitus, the Roman historian. When these tribes secured possession of some of the Imperial provinces, they continued to hold these general assemblies, and enlarged their sphere of debate by embracing all matters, both of a military and civil nature. As their conquests increased, so likewise did the number of these public meetings. When the feudal system arose out of the conquered lands, the leaders of the people—that is the barons—established their power, and became the chief men of influence who attended and took a part in these national assemblies. What share of real power the mass of the inhabitants enjoyed in these deliberate councils, is purely a matter of conjecture.

In addition to this theory, it has been surmised, and with much apparent probability, that the scheme of representation, if not created, must at least have been greatly perfected by the municipal institutions of the old Roman cities, aided by the movements of the Church, relative to the organization of its general councils and assemblies. The very nature or idea of a free town necessarily implies the regular exercise of some forms or other of the representative system. The meetings of the Bishops for the public discussion of questions of doctrine and discipline, were the most perfect types of modern legislative assemblies; for the reverend Divines were invested with the most absolute power to act and decide on the questions before them, in accordance with the dictates of their own unfettered will and judgment. The fre-

quency of these theological councils, and the lively interest they excited over extensive ranges of country, must, in the early ages of European civilization, have exercised on the public mind a decided and beneficial influence in regard to every public matter or question, demanding calm and deliberate discussion. The spirit of christian fairness, prudence, and charity; the argumentative arrangements and skill; and the minor regulations necessary for the functional exercises of every deliberate body, which these theological gatherings uniformly displayed; must have had considerable effect in imparting a healthy and rational tone to all those civil and political measures, requiring careful examination and discussion. A distinguished Italian author affirms, that the expression *to vote*, was borrowed from the practice of the councils of the Church.*

There can be little doubt, but that the earliest form of political representation in Europe, may be dated about the termination of the eighth century, in the reign of Charlemagne. This was the origin of the French States General, one of the most early and regularly constituted public bodies, of which we have any account in the records of modern nations. Historical documents, of undoubted authenticity, show how most of the courts and councils of this monarch were composed. Those who held property under the crown were to assemble twice a year, in summer and autumn, to discuss public matters; and the persons called to perform this duty are spoken of, by a historian of that period, as "*Cætera multitudo*," and, "*Cæteri in-*

* Sarpi, l. 2, c. 30.

feriores personæ." Early in the ninth century we find persons, though not elected as representatives, appointed by the people at large to fill the places which gave them admission to the estates. In the year 819, we have a writ, requiring each count to bring with him twelve echevins, scabini, or rachin-burghers, if there were that number in his domain; and if not, to make up the number by the better sort of people, (*de melioribus hominibus ejusdem committatûs.*) Though this left the choice of the substitutes to these counts or nobles, yet the echevins were all elected by the people. The capitulary of Worms, (829) requires the *Misi* to expel all bad echevins, and replace them by good ones, chosen "*totius populi consensû.*" In the Alemannic law there is a prohibition to hear any causes, unless with the assistance of an assessor appointed by the people. From these facts, and others that might be brought forward for the same purpose, it is maintained, that a certain form of popular representation, may be dated from the commencement of the ninth century.*

The Saxon tribes are said to have been more attached to personal liberty than either the Franks, who founded the French monarchy, or the Normans, who settled in a particular section of the French territory.

The nature and history of the Commons' House of Parliament in England, have given rise to much discussion in modern times; and very contrary and discordant opinions have been held on the subject, both by politicians and historians. The causes of this difference may be referred to several sources. The subject itself, in some parts of its structure, is wrapped

* Lord Brougham's Political Phil., vol. 3, p. 40, et seq.

in great obscurity, from the want and imperfections of historical documents. This relates more especially to the early history of the English constitution. But the great source of that contrariety of opinion we find on the nature, origin, and privileges of the lower house, arises from the different political creeds of writers on the subject. To one whose general principles of polity have a manifest leaning to arbitrary power, the popular constitution of the assembly of parliament, becomes a theme by no means very enticing. Such a one is apt to distrust facts, to invent plausible theories, and to stifle the voice of history, in order to preserve the consistency and stability of his own personal opinions. On the other hand a partizan of an opposite theory may pursue the same partial and one-sided investigation. In his eyes, everything relative to the ancient constitution of the Commons, will savour, more or less, of popular rights and privileges. The great influence of party feelings in treating of both the history and nature of the Parliament, may be clearly evinced, by even a slight attention to the spirit which pervades all our very best and most scientific writings on this important subject. The personal opinions of their respective authors may be distinguished with as much certainty as if we saw them, under the guidance of their favourite parliamentary candidates, giving their votes at the polling booths.

We do not complain of this state of things. We must take human nature as we find it. Neither can we lay any claim ourselves to complete impartiality, on such a subject. But it is always useful, and desirable that the marked influence which party feelings exercise over our

judgments, in such matters, should be fully and generally recognised; and that a due allowance be made, in summing up conflicting evidence upon any interesting or vital points in philosophical history.

As to the antiquity of the British Parliament, we have substantially only two theories; one which carries its origin back to Saxon times; and the other which fixes it, somewhere about the middle of Edward the First's reign. In the first theory, it is maintained that all the boroughs, or free cities, sent members to the Saxon Witenagemot, or Parliament, from the earliest times; that this institution was interwoven with the whole system of government; that it was strictly in keeping with all the earliest accounts of the Saxon tribes, who, upon great occasions, invariably observed the rule of consulting all the people upon the expediency of political measures; and that up to the period of the Norman conquest, no interruption occurred to this uniform mode of representation. Sharon Turner remarks, that "The popular part of our representation seems to have been immemorial. There is no document that marks its commencement. And if the probabilities of the case had been duly considered, it would have been allowed to be unlikely, that the sovereigns and the aristocracy of this nation would have united to diminish their own legislative power, by calling representatives from the people to share it. Neither kings nor nobles could alone confer this power; and it would have been a voluntary and unparalleled abandonment of their exclusive prerogatives and

privileges, that they should have combined to impart it to others, if these had not possessed an ancient indefeasible right of enjoying it.”*

In addition to these reasonings, founded upon the probabilities of the case, the advocates of the theory of ancient popular parliaments, adduce certain authorities and statements to strengthen their case. Lord Littleton says, that “the ancient towns called burghs, are the most ancient cities that are in England; for these towns that are called cities were called burghs in ancient times; and were burghs. For of such ancient cities, called burghs, come the burgesses to parliament, when the king has summoned his Parliament.” And the statement of Lord Coke corresponds with this declaration of Littletons’. The former remarks, in his notes upon the writings of the latter, that the writ directed to the sheriffs, did not declare that he was to send them to this or to that borough, but to *every* burgh, as if all enjoyed, without distinction, the same political privilege.†

Although it is admitted that there is no *direct* evidence that the cities and burghs were represented in the Saxon Parliament, yet the *indirect* evidence is very strong. And this is shown by the two cases of Barnstaple, and St. Albans. Barnstaple sent a petition to Parliament, in the reign of Edward III., in which the burgesses laid claim to have been a chartered town in the time of Athelstan, and to have sent from time immemorial burgesses to Parliament. These claims were entertained by the legal authorities of the day; investigated by jurors; and the right of sending

* History of the Anglo-Saxons, vol. 3, p. 108. + Coke, on Little, p. 100.

burgesses to the Commons was allowed to be continued. In Edward II., reign, the borough of St. Albans, sent a petition to Parliament, in which the burgesses affirmed that they, *as other* burgesses of the kingdom, had always sent two burgesses to the Parliament; but that the sheriff, under the influence of the Abbot of St. Albans, had not sent his writ to the borough on this occasion. The answer to this petition was, not a denial of the right of the town, but a reference to Chancery to see if this right had been regularly enjoyed.

What classes of persons enjoyed the elective franchise, has also been a subject of dispute; although there is more unanimity on this point, than on the origin of the Parliament. It appears pretty evident, that only freemen of the counties voted; or what are now called freeholders; and the free inhabitants of burghs and cities. The great mass of the population were shut out from the exercise of this privilege of representation.

What kind of persons were called by our Saxon rulers to take a part in the great councils of the nation, is also, a controverted point. Ina, in his introduction to his laws, distinctly alludes to *three* classes of persons, assisting at their formation. "My Bishops, and all my Aldermen, and the eldest *witan of my people*, and a great collection of God's servants."

So far for the theory of the House of Commons having a Saxon origin. On the other side, it has been stoutly contended, especially by Dr. Brady, in his *Treatise on Boroughs*, "that there were no citizens, burgesses, or tenants of the king's demesnes summoned to great Councils or Parliaments until the 23d of Edward I.," and also, that the cities or burghs generally,

did not send deputies to the Commons' House, till a long time after the conquest.

After this period a considerable change took place in our system of national representation. The councils of the nation held by William the Conqueror, were composed of the Bishops, heads of religious houses, with Earls and Barons. About what constituted their respective titles, on which there has been so many disputes among legal antiquaries, we shall not now inquire. But it appears that something like a system of representation was adopted by William, only four years after his conquest. We are informed by Hoveden, that he ordered twelve persons skilled in the customs of England, to be chosen from each county, who, upon oath, were rightly to inform him of their laws; and the assembly was ratified by consent of the great council. Sir Matthew Hale, maintains that this was "as sufficient and effectual a parliament as ever was held in England."*

Historians affirm there is nothing to guide us to the nature of county representation, till we arrive at the fifteenth year of King John, who issued a writ directed to all the sheriffs in England, requiring them to send certain persons from each county in the character of representatives. More distinctive proofs of elections are found in the time of Henry III. In the thirty-eighth year of his reign, he directed a writ to the sheriff, which, after reciting that the earls, barons, and other great men were to meet at London, three weeks after Easter, with horses and arms, for the purpose of sailing into Gascony, directs him to compel all within his jurisdiction, who held twenty pounds a

* History of Common Law, vol. 1, p. 202.

year of the king in chief, or of those in the ward of the king, to appear at the same time and place. And that, besides those mentioned, he shall cause to come before the king's council at Westminster, on the fifteenth day after Easter, two good and discreet knights of his county, whom the men of the county shall have chosen for this purpose, in the stead of all and each of them, to consider, along with the knights of other counties, what aid they shall grant the king in such an emergency.*

The majority of our constitutional writers fix upon the year 1265, as the period when representation was unequivocally established. Henry III., in the forty-ninth of his reign, issued writs in his name to all the sheriffs, directing them to return two knights for the body of their county, with two citizens or burgesses for every city and borough contained within it. From this time the House of Commons became a regular national organ; varying, it is true, in some of its minor forms, but essentially preserving its leading features during all the vicissitudes of the general government.

The representative system of France, in the early period of history, of which we are now treating, was never so liberal and extended as in England, during the same period. There was nothing approaching to county representation in France; the lords and barons of the kingdom attended the national councils by virtue of their feudal privileges and rights.

The fundamental functions of the different national assemblies of Spain, were the power of general legislation, and the refusing to pay taxes, unless sanctioned by the representatives of the people. Any encroach-

* Brady's Hist. England, vol. 1, p. 227.

ments on these vital privileges, was resisted by a zealous and sturdy independence. The form of the oath of allegiance was singularly guarded and qualified. "We," said the barons, "who are each of us as good as you, and who are altogether more powerful than you, promise obedience if you maintain our rights and liberties; but if not, not." In 1205, Peter II., of Arragon, imposed a general tax, which was refused payment by the nobles and people united. The Cortes of Medina del Campo, in 1328, passed a law prohibiting any impost being laid upon the cities without the consent of their representatives, in Cortes assembled. And so zealous and sparing were the deputies generally of all grants of money to the crown, that the Cortes of Castile, in 1258, made a representation on the subject to Alphonso X., stating, among other things, "that they considered 150 maravedies, (or 18 shillings a day of our present money) quite sufficient for himself and his wife, and that he ought to recommend to his suite to eat more moderately." About a century and a half after this, the Cortes of the same kingdom observed, in a remonstrance to John II., "Once infringe upon this privilege of controlling the public money, and all the other liberties of the subject become an illusion."

The free cities of Spain being among the earliest and most independent in Europe, the spirit of freedom and liberality they created and fostered, displayed itself in the early history of the national representation. In the kingdoms of Navarre, Leon, Gallicia, Castile, Arragon, and Portugal, there were representative assemblies in the eleventh and twelfth centuries. These assemblies were called *Cortes*, or Courts. Some

of the most important towns in Arragon sent representatives to its Cortes in the year 1133; and similar towns in Portugal sent members to its own parliament, in 1140. The Cortes of Castile was summoned by the king in 1169; and in the year 1300, ninety towns sent deputies to it. In 1315, there were 192 representatives at the Cortes of Burgos, sent from 111 cities; of which some sent over one, some two, some three and four, and one as many as thirteen. But each town had but one vote. The Cortes of Madrid, from the year 1188, till 1391, sent 126 deputies from 50 towns.

The Italian cities, principalities, and monarchies lay claim to great antiquity in the exercise of the representative function of government. There is, however, throughout these various republican commonwealths, a great diversity in the modes in which the elective privileges were exercised; in some places, and at some periods, there were great liberty and independence; at other places and periods, the citizens had to make concessions and compromises to the dominant powers or factions of the day. Still the popular assemblies, viewed over an average of centuries, seemed to have retained the leading characteristics of representative freedom, and to have made bold and successful struggles against the numerous enemies, both internal and external, which on every side beset them.

In the Lombard-Venetian towns, there was a considerable share of political freedom enjoyed, at a comparatively early period. A general assembly of the citizens was called upon all great occasions; but we have little or nothing in the shape of history to lead us to any accurate conclusions, as to which was the

mode of proceeding at these national parliaments, nor of what ranks of persons they were constituted. There was an assembly held by Otho II, (980,) which is mentioned as the "accustomed convention of the nobles and Italian Cities of Roncaglia;" hereby distinctly intimating, that such national meetings had for some time previously existed. They were sometimes called *Placitum generale*, and sometimes *Mallum*.

Most of the chief towns in Sicily, had a representative form of government in the thirteenth and fourteenth Centuries. The form of the writ which Frederick I. sent to the City of Syracuse, (1240,) has often been noticed by historical writers, on account of its resemblance to the early writs issued in England in the reign of Henry III. The Sicilian writ runs thus. "To the Bailiff, Judges, and all our faithful subjects of the town of Syracuse greeting. Whereas for the peace and quiet of our Island of Sicily, to which we have kindly turned our care and solicitude, we have appointed a general parliament, (Generale Colloquium,) to be holden at the feast of Epiphany next ensuing, at Heracleia, in which we will that the Syndics of the cities, towns, and most famous places of Sicily should be present, we command you upon your allegiance, that forthwith on the receipt of these presents, you do unanimously and harmoniously choose and approve from the better and sufficient persons among you, two Syndics, our faithful subjects, and, so chosen and approved, send them provided with the authority of you all, with the degree of election and approval, to the place and at the time aforesaid, in order that we may have them without fail, along with the Syndics of other cities, towns, and places, on the

said Feast, in the said Parliament; to which your Syndics you shall pay or cause to be paid their reasonable expenses out of any monies belonging to your corporate body; and if for want of such monies you provide no expenses, that you intimate the same in your letters to us, sending the Syndics to us as aforesaid, in order that we may provide the same."

It cannot fail to strike the reader, as a curious and interesting feature in the early history of representative governments, that so many nations seem to have simultaneously adopted nearly the same plans for the attainment of an elective check against the influence of absolute oppression, and legislative power. The establishment of these parliaments in different countries, within a couple of centuries of each other, bespeaks the active presence of a general principle of intelligence and independence, pervading the entire mass of European Society:—a principle, too, the growth of which was so apparent and rapid, while the Church was proceeding day by day in successfully maintaining political dogmas, entirely subsersive of national improvement, and progress in knowledge. Truth and error, liberty and dependance, seem to have been pitted in a race against each other; but though the contest was long, and success doubtful, yet the solid civil institutions, which the inhabitants had reared by virtue of their elective privileges, ultimately gained the day over the abstract theories and doctrines of Papal aggrandisement and power.

Independent of the mere external history of the representative principle, a brief outline of which we have given, there are many interesting speculative questions connected with its exercise, which it would

be very advantageous to discuss. The *philosophy* of the representative plan of government, is a subject on which much might be written, useful to both representatives and people. We shall, however, not enter on the discussion here, as it will come more regularly before us, when we have to advert to those writers, who have in modern times, treated of the subject at considerable length, and with great learning and ability.

There are, however, one or two points, connected with the abstract nature of political representation, which we shall just advert to, before closing this chapter. First, the principle of authority is directly involved in the act of representation. We leave our interests to be disposed of according to the judgment of others; we implicitly confide in their good sense, good faith, and public devotedness. The practice of sending men to act in public assemblies, implies the total inability of the multitude to legislate for themselves, in their aggregate capacity. The representative is the person to do that which the people cannot do for themselves. This dependence on the will, authority, and influence of another, naturally gives rise, among the body of electors, to certain kinds of checks against the irregular exercise of the representative function termed *instructions or pledges*. The nature and extent of these are, however, matters appertaining to the political discussions of modern times; for in the early periods of European representation, the only pledges required were those of general intellectual capacity, social position, or sound patriotic sentiments and opinions.

Again, the representative principle involves the

idea that a person sent by the people to the councils of the nation, is *specially* fitted and educated for the fulfilment of his duties. This theoretical notion is quite opposed, however, to what actual practice teaches us. Representatives are not educated to politics as a profession, in the same way or manner in which a lawyer, physician, or clergyman, is schooled into his profession; but are simply men of more or less general knowledge of public affairs and government duties, and possessing a requisite amount of public spirit and independence for the effective discharge of their duty. The vast range of politics as a science, places the grasping of it, as a whole, beyond the intellectual power and ability of any single mind, nor would, indeed, *professional* politicians be desirable in any state, even could they be reared. The art or theory of civil government is of such a plastic and variable nature, that professional or fixed habits of thought of any kind, are directly opposed to its successful prosecution, and its advancement in the path of enlightened progression.

CHAPTER XV.

ON THE INFLUENCE OF THE CRUSADES ON POLITICAL OPINION AND LITERATURE.

THE influence of the Crusades on the interests of political speculation and inquiry, is but of a subordinate and indirect character. This singular movement among European nations, is comprised within the years 1096, and 1391. A few observations on its general aim and results are required, for the use of the ordinary reader.

The chief causes of the Crusades may be distinctly traced to the ecclesiastical power of Rome, and to the inherent and deep-felt interest which christians, from the most remote periods, took in every thing relating to the land of Judea;—so memorable for the life, sufferings, and death of our Saviour. We find in all the writings from the Apostolic times to the first Crusades, perpetual allusions made to the Holy Land, and to the reverential awe in which its entire history was enveloped. In the writings of the Troubadours we meet with the most enthusiastic and extravagant expressions, as to the necessity and importance of the Crusades; and in the breasts of the Roman Pontiffs, there had long been lurking the most determined

feelings of hatred against the infidel occupiers of this hallowed spot. Witness, for example, the language of the Pope, in the council of Claremont, who says, "you will turn against the enemy of the Christian name, those swords, which you are incessantly sharpening against each other; which that salutary truce, ordained by our predecessors, has not been able to make you lay aside; and which you must now sheath, if you are not willing to be struck with the anathema, which we have just now launched against every one who should dare to infringe it. Since you must have blood, bathe yourselves in the blood of infidels; wash away, in this guilty blood, the blood of Christians, with which you are polluted. Oppressors of the widow and of the orphan, robbers, assassins, famished vultures, who have no pleasure but in fields of carnage, behold the moment, when you may prove whether you are animated by a true courage, whether you are warriors or savage tigers, such as you have hitherto shown yourselves."*

The most active and influential instrument for the organization of the forces of the Crusades, was Peter the Hermit, a man of the most enthusiastical turn of mind, of indomitable perseverance, and considerable eloquence. He went into various countries and localities, riding on an ass, and preached the religious obligations which all Christian States lay under, to furnish men and money for the complete extirpation of the usurpers of Judea, and the blasphemers and contemners of the Christian name and creed. He inflamed the minds of every people among whom he sojourned, with the most bitter and furious zeal; and in the course of a very

* *Esprit des Crois*, tome 3.

short space of time, he so successfully worked on the feelings of the principal sovereigns of Europe, as to induce them to equip and send an army to Palestine amounting to upwards of two hundred thousand men.

This powerful armament was after a few years entirely destroyed. For upwards of two hundred years, Europe kept sending troops, some by sea, and some by land, to the scene of warfare; but in the year 1291, the crusading power was entirely expelled from Asia; after a series of conflicts and disasters, which history alone is competent to detail.

The influence of the crusades on the political sentiment of Europe, may be variously estimated, according to the general tenor of the philosophical and religious opinions of authors. These greatly modify the judgment of all men, but especially that of party writers, and politicians. It is not, however, by an estimation of the abstract character of such gigantic enterprises as these of the crusades, that we are placed in a fit position to form correct ideas of their influence on general opinion, but by taking into consideration the several minute and varied circumstances that flow from them, and which act and re-act on human conduct and institutions, in a thousand unperceived modes and degrees. It is often by the operation of such slow and imperceptible causes that great national objects are obtained and matured.

The extension of liberal and enlightened principles of commercial intercourse and policy, has been allowed by most writers, as an acknowledged and unequivocal result of these crusades to the Holy Land. The reduction of the Greek Empire in the first instance, and its re-establishment in 1261, in the second, were

both highly instrumental in the extension of international communication, and of promoting the interests of general commerce. Many interesting Provinces and Islands in the Eastern section of Europe were conferred on valiant chieftains who had signalized themselves in the Holy Wars; and these colonies were often turned to good account in the promotion and extension of knowledge, both political and artistic.

Mutual intercourse is an element in the full development and progress of society, of immense value. A knowledge of our common nature, in all its diversified aspects, is reforming, interesting, and conciliatory. The more that political relations of kingdom with kingdom are studied, the more do mutual ties on all sides multiply and bind together. The Crusades, therefore, viewed in this light, were decidedly improving to the permanent interests and consolidation of political literature. They enlarged the intellectual vision of mankind, and displayed and demonstrated the universal application and value of many of the most general and influential principles of political science.

In breaking down the feudal system, already noticed, the Crusades were decidedly serviceable. This effect became a powerful cause in giving increased power to the great body of the people in every country, and extending opinions and sentiments favourable to political liberty and happiness.

On the influence of the Crusades, M. Guizot makes the following remarks. "The principal effect, then, of the Crusades was a great step towards the emancipation of the mind, a great progress towards enlarged and liberal ideas. Though begun under the name and influence of religious belief, the Crusades deprived reli-

gious ideas, I should not say of their legitimate share of influence, but of their exclusive and despotic possession of the human mind. This result, though undoubtedly unforeseen, arose from various causes. The first was evidently the novelty, extent, and variety of the scene which displayed itself to the Crusaders ; what happened to travellers, happened to them. It is mere common place to say, that travelling gives freedom to the mind ; that the habit of observing different nations, different manners, and different opinions, enlarges the ideas, and disengages the judgment from old prejudices. The same thing happened to those nations of travellers who have been called Crusaders ; their minds were opened and raised by having seen a multitude of different things, by having become acquainted with other manners than their own." The same writer goes on to observe that "a vast and unexplored world was laid open to the view of European intelligence by the consequence of the crusades. It cannot be doubted that the impulse which led to them was one of the most powerful causes of the development and freedom of mind which arose out of that great event."*

"Those strange expeditions," says Lord Brougham, "had an important influence upon European manners and institutions. For the present we have only to remark their effect in extending the spirit of civility and courtesy, which the feudal aristocracy had already begun to diffuse. Those who did not join the crusades were, nevertheless, animated by similar feelings, not of a sordid, but of an enthusiastic nature. It was no longer the savage love of plunder or the necessities of providing subsistence, the mainspring of the barba-

* *Histoire de Civil*: p. 250. See likewise Note C, at the end of the volume.

rous inroads, that excited men to warlike enterprises. The religious feeling, which led them to Palestine, had its origin in a pure though perverted sentiment; it was the same which had formerly made pilgrimages a duty and a pleasure; but it was now joined with military valour; and though connected with the hope of reward, it was hope of reward in another world. The Crusader was the pilgrim armed; added to the patience and fortitude of the wayfaring man, the active courage of the soldier fighting for religion's sake. Many, doubtless, joined the train from more sordid motives, and love of temporal conquest engrafted itself on spiritual zeal; but the stock was of a kind more or less sentimental. Hence they who did not take the cross, partook of the spirit which filled the Crusaders, and their activity and enthusiasm was exhausted upon works of a kindred nature at home."*

* Poli.: Phil.: Vol. 1, p. 322.

CHAPTER XVI.

THE INFLUENCE OF CHIVALRY ON POLITICAL AND SOCIAL SENTIMENT, OPINION, AND LITERATURE.

THE political feelings and sentiments of modern times, owe much to the institution of chivalry. It was an offshoot of both the feudal system and the Crusaders; and it has moulded the social and political arrangements of every country in Europe, and refined and elevated the habits of society generally, to an extent, which few, looking merely at its outward and somewhat grotesque displays, would be led to imagine.

The institution in question dates back to about the eleventh century; and is ascribed, by some writers, to the aggrandizements of the French barons, as it was developed in the dynasty of the early kings of France. However this may be, certain it is, that this class of nobles displayed the power and pomp of little sovereigns, and in their respective spheres vied with the king himself in ostentatious ceremonies. Every baron kept up the formalities of a little court; and in these courts the nobility were trained to manners and etiquette. In imitation of royalty, the nobles distributed the offices of their establishments among their

relatives and favourites; and, in the course of time, it came to be generally arranged, that to be eligible for any such offices, depended upon the chivalrous conduct and demeanour of the candidate. The age of twenty-one was fixed when knighthood might be conferred. Courtesy was a most essential quality for a knight, and was inculcated on his mind from the first hour of his courtly training. This circumstance is mentioned by one of our earliest poets, Spencer, in the following lines.

“Of court it seems men courtesie do call,
For that it there most useth to abound;
And well beseemeth that in prince's hall
That virtue should be plentifully found.
Which of all goodly manners is the ground
And root of civil conversation.”

The customs and feats of chivalry were modified by three great principles;—the military spirit, religion, and a devotion to the female character. These acted and reacted on each other in a variety of ways and degrees; and this produced that strange medley of sentiment and conduct so strikingly characteristic of the knights of chivalry. The military spirit arose out of the customs of the German tribes, who, Tacitus informs us, never offered to place arms in the hands of their youth, until they had been publicly presented to them by some person of quality and distinction. This species of investigation was common to the Goths and Lombards. This military custom was, however, of itself but an unsettled and violent one; and without other modifying influences would only have been distinguished by a spirit of violence and revenge.

The religious element entered largely into all the displays of chivalry. The qualities which constituted

a true and enlightened Chevalier, were faith, charity, justice, reason, prudence, temperance, strength, truth, liberality, diligence, hope, and courage. In the oath which every knight took it was stated that the widow, the orphan, and the friendless and helpless generally, had a peculiar claim on his protection, even to the hazard of his life; and the practice of every virtue, and the graces of polite and becoming behaviour were, solemnly vowed by the candidates for the honourable distinctions of chivalry. It is true, that there was a large leaven of mere formality, superstition, and insincerity in these declarations and promises; but still, after making a fair allowance for this, they exercised a powerful influence in softening the manners, abating the ferocity, and calming down the turbulent perturbations of the society of the times, and fitting it for social and political instruction and knowledge.

Next to the religious feelings, was the veneration which every knight expressed for the female sex. His very first lesson embraced the love of God and the ladies. This specific direction, given to the feelings of men in early life, imparted to every movement an agreeable gentleness and suavity of manner, which was felt to the lowest grade of society, and which tended to place the female character, in a social and political point of view, upon the same footing as that of the bolder and hardier sex. "A religion of the heart," says a late writer, "while it addressed itself with peculiar power to the gentleness and affection of the female character, exalted in the estimation of men the very qualities by which the other sex is distinguished; and as it held out equally to women, as to men, a hope of future happiness, in comparison with

which the distinctions of their present existence could possess no importance, it on this account also tended to establish between them an equality of intercourse. The two ingredients of the modern society of Europe, the German tribes and the subjects of the ancient empire, were thus alike, though by different causes, prepared for giving the due consideration to that half of the species, which had been either held in a degrading inferiority of condition, or permitted to disturb the whole order of society by unrestrained licentiousness.”*

The manifestations of female influence were displayed by the knights in those tournaments, which have of late years excited so much attention from novel and historical writers. These exercises took place before the eyes of the most beautiful and accomplished ladies in the several courts of Europe, and in the midst of great pomp and splendour. The gallant knights contended for the objects of their choice, in all the divers modes of military skill; and the prize set before them was, to become the chosen objects of female approval and approbation. Various imposing ceremonies attended the preparations to the combat. The ladies on some occasions led the several combatants in chains, as an emblem of their being their devoted slaves; and in all cases the knights before they commenced their struggles, proclaimed aloud the names of those particular ladies whose servants they professed to be, and whose smiles and favours they were desirous to secure as the token of victory. The ladies generally conferred badges on the knights to distinguish them in the field; and these became objects of eager contention by the rival champions. When the honours were to

* Millar's, *Phil: of History*, vol. 2.

•

be rewarded, the females again appeared, and mingled in the contest; being often chosen as umpires in disputed cases, and invariably as the bearers of the prize, and the superintendents of the pageants. The tournaments were succeeded by a series of entertainments, in which the females occupied a conspicuous position, as the centre of conversations, and the interchangings of compliments and courtesies. Milton describes this in the following lines.

“ While throngs of knights and barons bold
In weeds of peace high triumphs hold,
With stores of ladies whose bright eyes
Rain influence, and judge the prize
Of wit or arms, while both contend
To win her grace when all commend.”*

Viewing the form of chivalry as a political instrument, and a direct incentive to political literature, we must take into consideration its refining and civilizing character. To those who look upon politics as simply a branch of ethical philosophy, then chivalry, as enforcing a strict observance of all the public and private virtues, imparting health and strength to the body politic, must be considered as an efficient and active organ of human improvement. Those theoretical writers who adopt Plato's idea of government as depending chiefly on the due cultivation of the moral faculties of man, in all their varied phases, are constrained to allow a positive value to chivalry, in stimulating political inquiries and speculations; and of leading and directing the minds of public men to the recognition of many important truths connected with the science of government. Though not in abstract

* See Gibbons' *Decline and Fall*, vol. 6, pp. 27, 28.

form, chivalry was nevertheless, in practical application the same as political Platonism. Both were modes of educating and fitting men for public life and duty; both founded political science on morality, and both considered that the good of the commonwealth was promoted by the general cultivation and extension of all those sentiments, opinions, and principles, which are calculated to soothe and harmonize the naturally conflicting ebullitions of social life.

Independent, however, of the mere outward influence of the rules of chivalry, on the civil institutions of Europe, no inconsiderable praise is due to them from the direct and powerful stimulus they gave to the poetic and imaginative powers of the European mind. They were the great and efficient cause of inspiring a taste in every country, for poems and metrical romances, animated by public spirit, and founded on the broad and universal sympathies and feelings of mankind. The number of writers of such productions who flourished during, or immediately following the foundation of chivalry, is very considerable. A collection of Spanish poetry, called the Cancioners General, contains the productions of one hundred and thirty-nine poets, before the commencement of the fifteenth century;* and in Italy, Flanders, and Germany, we find a proportional number of the same class of literary effusions. It is not assuming too much to affirm, that the general effect of such light and imaginative productions, would be more or less that of a political one; inasmuch as all such productions must have touched upon the leading events of the times and have chimed in with the current of political feeling, in

* Hallam, Bouterwek.

whatever direction it was then running. The general frame-work of these poetical pieces was composed of good materials, and made appeals to the high and honourable feelings of human nature ; and apart from direct allusions to public matters, their ordinary tendency would be, to elevate and nourish those internal sympathies, from which public opinion takes its rise, and which are in unison with the welfare and best interests of the community. The heroes and knights who figure so conspicuously in the early productions of the romancers and poets, were continually engaged in redressing political and social grievances, inveighing with bitterness against tyranny and oppression, and in devoting their lives and fortunes to the supposed interests of the community at large. All such sentiments, conveyed though they were in hyperbolical and extravagant language, had, nevertheless, a direct tendency to fix in the public mind, the grand outlines or boundaries of civil right and freedom.

CHAPTER XVII.

ON THE PROGRESS OF POLITICAL LITERATURE CONNECTED
WITH THE CIVIL AND STATE AUTHORITY OF THE
PAPACY, FROM THE CLOSE OF THE TENTH
CENTURY, TO THE YEAR 1400.

OPINIONS on the temporal power of the church, and the rights of private judgment, after the year 1000, of which we have already spoken, assumed a more decided form in the period of history now under consideration. We shall endeavour to present the reader with a brief sketch of both these branches of political speculation, so that we may be suitably prepared to enter into future discussions on the subject in subsequent parts of this work, when we come to notice the productions of more recent political writers.

Pope Nicholas II. is cited by Gratian as declaring, "That the Church of Rome instituted all patriarchal supremacies, all metropolitan primacies, all episcopal sees, all ecclesiastical orders, and dignities whatsoever."

Hildebrand, or Gregory VII. was appointed to the Pontificate in 1073, and soon after took upon him to depose Henry IV. The following are the terms he employs. "For the dignity and defence of God's Holy Church, in the name of Almighty God, the Father, Son, and Holy Ghost, I depose your imperial and royal

administration, King Henry, son of Henry, some time emperor, who too boldly and rashly both laid hands on the church: and I absolve all christians, subject to the empire, from that oath whereby they are wont to plight their faith unto true kings; for it is right that he should be deprived of dignity, who endeavours to diminish the majesty of the church."

"Go, therefore, most holy Princes of the Apostles, and what I have said, by interpreting your authority, confirm; that all men may now at length understand, if you can bind and loose in heaven, that you can also upon earth take away and give empires, kingdoms, and whatsoever mortals can have; for if you can judge things belonging to God, what may be considered concerning these inferior and profane things? And if it is your part to judge angels, who govern proud princes, what becometh it you to do toward their saints? Let kings now, and all secular princes, learn by this ruinous example, what you can do in heaven, and in what esteem you are with God; and let them thenceforth fear to slight the commands of the Holy Church; but put forth suddenly this judgment, that all men may understand, that rest casually, but by your means, this son of iniquity doth fall from his kingdom."*

The same doctrine was promulgated, a few years afterwards, by Urban II. He recommends, in his decrees, "that subjects are by no authority constrained to pay the fidelity which they have sworn to a christian prince, to one who opposeth God and his saints, and violateth their precepts."

At the close of the eleventh century, Pope Paschal 2nd deprived Henry IV. of political power, and excited

* Concilia. Tom. 26. fol. Paris, 1644.

his enemies to persecute him, by urging that they could not "offer a more acceptable sacrifice to God, than by impugning him who endeavoured to take the kingdom from God's Church." 2

Innocent III. in 1312, says, "That the Pontifical authority so much exceeds the royal power, as the sun doth the moon." And he strengthens this opinion by quoting the words of the prophet Jeremiah; "See, I have set thee over the nations, and over the kingdoms, to root out, and to pull down, and to destroy, and to throw down," &c. The same doctrine was maintained at the fourth Council of Lateran, at which this Pontiff presided. It was then declared, "that if a temporal lord, being required and admonished by the church, should neglect to purge his territory from heretical filth, he should, by the metropolitan, and other provincial bishops, be bound in the bands of excommunication; and if he should neglect to make satisfaction within a year, it should be signified to the Pope, that he might from that time, pronounce his subjects absolved from their allegiance to him, and expose the territory to be seized on by Catholics."*

In the year 1239, Pope Gregory IX. excommunicated the emperor Frederick II., and absolved his subjects from their oaths of allegiance, laid an interdict on all his cities, castles, and villages; excommunicated all who favoured him in any way or degree, commanded the German bishops, upon pain of excommunication, solemnly to publish the bull, with all the usual ceremonies, as ringing of bells, lighting and extinguishing candles, &c.

Innocent IV., in 1242, promulgates the same opin-

* Council: Late.: Paris, 1671.

ions on the supremacy of the church. He declared Frederick II. to be his vassal, and pronounced, in the General Council of Lyons, sentence of deprivation against him in the following terms: "We having had before us a careful deliberation with our brethren and the holy council, respecting the foregoing, and many others, his wicked miscarriages; and seeing that we, although unworthy, do hold the place of Jesus Christ on earth, and that it was said unto us in the person of St. Peter the apostle, 'whatsoever thou shalt bind on earth, shall be bound in heaven', the said prince, (who has rendered himself unworthy of empire and kingdoms, and of all honour and dignity, and who for his iniquities is cast away from God, that he should not reign or command, being bound by his sins and cast away, and deprived by the Lord of all honour and dignity,) we do show, denounce, and accordingly, by sentence, deprive: absolving all who are held bound by oath of allegiance from such oath for ever; by apostolic authority firmly prohibiting, that no man, henceforth, do obey or regard him as emperor or king; and decreeing, that whoever hereafter yields advice, or aid, or favour, to him, as emperor or king, shall immediately lie under the ban of excommunication."*

Pope Boniface VIII. at the close of the thirteenth century, had a decree in the Canon law to this effect. "We declare, say, define, pronounce it to be necessary to salvation, for every human creature to be subject to the Roman Pontiff!! This submission is of the most absolute and universal character, and extends to all affairs. "One sword must be under another, and the temporal power must be subject to the spiritual author-

* Council: Paris, 1671.

ity; whence, if the earthly power go astray, it must be judged by the spiritual."

The bull of Clement VI., however, issued against one of his rebellious princes, (1338,) surpasses all others in point of fierce and menacing language. The Pope calls upon Heaven, "to strike him with madness and crush him with thunder; invoking St. Peter and St. Paul to visit him with their wrath in this world and in the next; calling on the earth to open and swallow him up; and praying that his children may be destroyed before his face by his enemies."

In proportion as the political power of the church became more concentrated and energetic, in the same ratio was the religious liberty of the subject curtailed and abridged. Domineering language towards Emperors and Kings, was followed by bigoted and intolerant sentiments towards private individuals. Ignorance, consequently, became the only absolute safeguard against the intellectual intolerance of the clerical body; so that the minds of the masses of the people became enveloped in the most profound and impenetrable darkness. But this mental torpidity did not seem to impart ideas of security and ease even to the church itself; for its activity appears always greatest, when there was the least apparently to oppose it; as if it expected some dangerous and sudden outbreak to follow a season of general apathy and unconcern. However insignificant the measure of intellectual exertion or curiosity among the people was, it never suspended the solicitude and jealousy of the Roman hierarchy. Whatever touched this absorbing and growing power, even in its remotest ramifications, excited vigilant anxiety, and called forth speedy and prompt repression.

But even in periods when speculative innovations were least common, and orthodoxy was every way triumphant, we find occasionally the still small voice of religious tolerance and freedom making itself heard, even within the precincts of the church itself. In a *Commentary on the books of Scripture*, by an Abbot, called Rupertus Tuitinsis, who died in 1136, we find persecution held forth as a mark of Antichrist. "Versus," says the Abbot, "Deus non coacta sed spontanea servitia vult. Ergo et in hoc, imo maxime in hoc, palam faciet sensum habentibus et ratione pollentibus, quod vere sit Antichristus, quod vere non Christus, sed secundum nomen suum Christo sit contrarius: hic est Christus qui sanguinem suum fudit, hic est Antichristus qui sanguinem fudit alienum." Elsewhere, he says, "Hoc est signum in quo cognoscant hi qui ex Deo sunt, ex maligno esse malignum illum, quia occidit, sicut jam dictum, et in captivitatem ducit, quod non facit, nec fecit omnis qui ex Deo est." "It is charitable," says our able historian, "and consistent with reason, to believe that these liberal sentiments were not confined to the person who has recorded them; that similar observations would have been found in the production of the dark ages which have been lost; and that they were held and inculcated by many, who, in a period little favourable to intellectual exertion, had no inclination, or no ability, openly to profess and to defend them." *

In a very few years after this, we find the famous third Council of Lateran fulminating its decrees against the unfortunate Albigenses, and in the twenty seventh Canon, consigning them to "a curse, both

*Cooks view of Christianity, vol. 3, p. 407.

themselves, their protectors, or harbourers, and all persons who admit them into their houses or lands," and that "their houses and goods shall be confiscated, and themselves reduced to slavery by their princes."

* * "Further, we take off two years' penance from such of the faithful as shall, by the Council of their Bishops, take up arms against them, for the purpose of subduing them."

The fourth Council of Lateran, held by Innocent III. in 1213, breathes the same spirit of cruelty and oppression. This council met at Rome, and consisted of four hundred and twelve Bishops, about eight hundred Abbots and Friars, and a great many deputies of the absent prelates and their chapters. In addition to these the ambassadors of the Christian princes were present. The third Canon of this council denounces all heretics with even more bitterness and precision than even the twenty seventh Canon of the third council. It goes to the extent of compelling temporal powers to extirpate all heretics, designated such by the Church of Rome, from their respective countries, under pain of excommunication. Should any one persist for one year, in refusing to fulfil their obligations, the Pope may declare the vassals of such earthly potentate, absolved from their allegiance, and bestow the lands of such vassal, on the faithful of the church. And the last provision enacts that such persons shall incur the penalty of excommunication, that shall afford sustenance, protection, or an asylum, to those lying under any ecclesiastical anathema. *

We are not, however, to suppose that these outrageous pretensions of Rome, met with any thing like

* Council, Lateran, Paris, 1671.

a general support or approval, either from princes or people. The former in almost every country in Europe rebelled against such lofty ecclesiastical prerogatives; and were fully prepared for efficient opposition, should they ever be forced into practical operation. Philip the Fair, of France, ordered the Papal Bull to be publicly burnt; forbid his bishops from attending the Pope's summons; assembled the States General; and induced them to pass a resolution, that the French crown was independant, and that his holiness had no right whatever to interfere with its constitutional prerogatives. Philip even made war upon the Pope, took him prisoner, and pillaged and despoiled his effects. In Germany the same feeling prevailed against clerical supremacy. The diet of Frankfort, (1338,) declared that the imperial crown had no superior under heaven, and that whoever should maintain the necessity of papal confirmation to an Emperor, duly chosen by a majority of the electors, should be guilty of high treason. The contests with the papal power in England, before the era of the Reformation, are well known. The constitutions of Clarendon, to define and secure the powers and jurisdiction of the civil courts of law; the statute of provisors, which constituted it a penal offence to obtain spiritual presentations from Rome; and the statute of *Præmunire*, which awarded punishment to all persons who brought over bulls of translation from the Holy see; all testify the strong feeling against the doctrines of papal supremacy and authority, entertained in our own country.

There was gradually formed out of the general mass of canonical rules, Pontifical Bulls, and other writings

of a similar and detached character, relative to the papal power, a distinct and systematic species of political literature, which at the time when it appeared, and as long as that power was in full vigour, proved of high standing in the estimation of the learned. Publications of this class undertook to give the philosophy of the Pope's power and supremacy, by urging the many and solid reasons for its origin, and for its peculiar bearings and advantages on the legislation and public institutions of the age. Such treatises were both erudite and voluminous; and though limited to a narrow range of inquiry and observation, yet they proved highly useful in consolidating men's thoughts and speculations on the nature of political and civil power generally; and by introducing, into written discussions those scientific methods and logical arrangements, so valuable in works of an abstract nature. Considering the long period such publications were in constant use, and held in high repute, they must have proved singularly advantageous in guiding public opinion, and keeping it within some recognized rules and principles, which, although often very unsound and imperfect, yet carried with them such a degree of plausibility, as to make them pass current for more healthy and rational views and doctrines.

Several most important and distinguished works of this kind, made their appearance in the fourteenth century. The one called the *Summa Raymundiana*, was considered of great value. It treated of the general principles of ecclesiastical government, and there are many rules relative to the civil polity of States, which enlightened governments of the present day, would find interesting and valuable. Astesanus

was a writer of note. His *Summa Astesana*, is an erudite performance, and its arrangements and decisions show great judgment. The *Summa Bartholina*, of Bartholomæus Concordia, a Dominican monk, stood high among the cultivators of casuistry and ecclesiastical jurisprudence at this period of history.

And it may be observed, that independent of the direct writing of the Popes on political subjects, they encouraged as much as they could the study of the Roman and Canon laws, with a view of strengthening their civil authority and power, and of showing that, even upon abstract grounds of reasoning, their influence over the temporal kingdoms of the world, should be paramount and universally acquiesced in. And it so happened at the very period when clerical claims were so unscrupulously put forth, that the study of the Roman law received a new and vigorous impetus. According to a statement, which has descended through the ordinary historical channels for centuries, but the truth of which has in recent days been called in question, the famous *Pandects* of Justinian, had been lost for some hundreds of years, but were accidentally found in the ruins of the city of Amalphi, in Italy, when that place was taken by Lotharius II., in 1137. Whatever truth there may be in this story, certain it is that the study of the Roman code was vigorously prosecuted about this period, throughout the whole of Italy, and even in other countries of Europe. It has been stated, by writers of credit, that at the University of Bologna alone, there were not less at one period than *sixteen thousand* students of law, assembled from all parts of the civilized world. Professor's chairs were founded in nearly all European seats of learning,

for the express purpose of developing the principles of Roman legislation, law, and equity.

Simultaneously with this renewed study of the Roman code, the Papal authorities enjoined the careful cultivation of the Canon law. This, they readily perceived, would prove a mighty engine in their hands for bewildering the minds of men, and drawing them aside from the consideration of these questions more immediately connected with the origin and design of all legislative establishments. The church, therefore, bent its whole energies towards this quarter. To ingraft the laws of the church upon the laws of pure reason, was looked upon as the highest attainment of the human intellect, and an infallible guarantee for the peace and happiness of mankind. Honours and emoluments were lavished upon the canonical doctors with no niggardly or sparing hand. The Canon law obtained such celebrity that it was declared by the whole Roman hierarchy, that a Doctor of the Canon law was to be preferred to a Doctor of Divinity, in all such dioceses that did not contain a majority of heretics.

In joining the two studies together, care was taken by all public teachers, to fix upon those general principles of law and theology, which are either so ambiguous in their own nature, or so susceptible of double interpretations, that inferences drawn from them might be of such a plastic character as to be applicable to all states and conditions of the body politic. This was the mode of legal and ecclesiastical instruction followed for ages, through the mediums of the Roman and Canon laws.

The Canon law is derived from a variety of sources. Many rules and laws appertaining to it, were obtained

from the Latin Church. Dionysius Exiguus, an abbot, who flourished about the beginning of the sixth century, formed two different compilations; one of the Canons of the Church, another of the Decretals of the Bishop of Rome; and these two collections constituted the germ or nucleus of ecclesiastical legislation. Sometime after, these were followed by other rules collected and arranged by Fulgentius Ferrandus, and by Isidorus, of Seville, down to near the termination of the seventh century. The next writer was Isidorus Mercator, or Peccator, sometimes described as "impostor nequissimus." Burchardus, who was Bishop of Worms from 996 to 1025, formed a compilation of the Canon law, described as "*Magnum Decretorum Volumen*," which is divided into twenty books. A similar compilation was made by Ivo Carnotensis, Bishop of Chartres, from 1092 to 1115, called the *Decretum*; and he was likewise the author of another publication on the same subject called *Pannomia*, and sometimes *Pannormia*. Gratian followed Ivo, and his *Decretum* forms the chief part of the *Corpus Juris Canonici*. It was compiled in 1151. After Gratian comes the canonical collection entitled *Decretalium D. Gregorii Papæ 9th*. It was made under the direction and authority of this pontiff, who filled the chair of St. Peter from 1227 to 1241. This pope is extolled for the extent and profundity of his general knowledge of law and jurisprudence. The work is divided into five books, and each book into various chapters or sections. From the year 1294 to 1303, the pontifical chair was filled by Boniface VIII., who published a compilation of canons or rules, called *Liber Sextus Decretalium*, which, notwithstanding its title, is divided

into five books. The next in the order of time, is that entitled *Constitutiones Clementis Papæ V., in concilio Viennensi editæ*. In addition to this collection, there were published after the death of Clement, another batch of rules called *Clementinæ*, promulgated in the year 1317. After these come the *Extravagantes Johannis 22nd*, which were so denominated because they wandered beyond the limits of the canonical works already enumerated. This ends the historical account of the divers materials which composed the Canon law up to the year 1400.

Of the nature of the Roman law generally, we have already spoken. In addition, however, to its own body of principles and maxims, there were published a vast number of commentaries, epitomes, abstracts, introductions, abridgements, summaries, and such like minor treatises, chiefly in connection with public lectures and instruction on the subject. Some of these comments, and explanatory works entered more fully into the nature of politics as a science, than the Justinian code itself did; and thus it happened, that general knowledge on civil affairs was rapidly extended in every direction; and a more steady and concentrated attention was imparted to the public mind on matters of great moment in the art of government and legislation, and appertaining to the rights and privileges of people generally. And even in the endeavours to amalgamate the Roman jurisprudence with christian precepts, a peculiar complexion was given to legal and canonical philosophy, and it was brought more into harmony with the practical science of civil liberty and right. There are, therefore, very few of the great legal authorities before the commencement of the

fifteenth century, whose writings do not contain more or less of matter relevant to politics as a science, and which may not be read with some advantage by all those engaged in its thorough investigation.

Among works of this kind we may mention those of Constantius Harmenopulus, who laid down the state rules or reasons for the punishment of heretics in his treatise *De Sectis Hæreticorum*; and the same topic is handled in a more detailed and fragmentary manner by Euthymius Zigabenus. Johannes Cantacuzenus enters systematically into the erroneous principles of the Mahometan law. The Canon law of the Greeks is scientifically expounded by Mathæus Blastares; and the writings of John of Paris abound with sound remarks and discussions on some of the leading principles of justice, and state policy. The same observation applies to most of the polemical and historical writers of the twelfth, thirteenth, and fourteenth centuries.

The *Dictatus Hildebrandini*, or the Dictates of Hildebrand, are twenty-seven apothegms, or short sentences, relating to the authority of the Popes, not only over the church, but over the nations of the world. These sentences will be found in the second book of the Epistle of Gregory VII., between the fifty-fifth and the fifty-sixth Epistles. There has been considerable discussion on the authenticity of these sentences; but the preponderance of evidence is decidedly in favour of their genuineness.

The most able and philosophical work, however, which appeared a short time after the period of history embraced by this chapter, on the abstract nature of the Papal power, was that of Antoninus, Archbishop of Florence. His remarks on the subject

are too long to be given at full length, but we shall endeavour to give the substance of his statements, as fully and fairly as we can. This author says, that the power of jurisdiction implies the power of declaring by way of statute, or of deciding questions. In things of natural or divine right, the authority of the Pope does not extend in deciding on them; but if there should any doubt arise concerning such things, the power of the decision belongs to his Holiness. Hence it is unlawful to hold or to think contrary to the Pope. All ecclesiastical power is subject to the Pope in three things; 1st, as to connection of abuses; 2nd, as to the institution and conferring of inferior powers; and 3rd, as to the assisting subsidy, (*subsidiū adminiculaticū*) that is, what is requisite to aid it, if it stand in need of aid.

First.—To the Pope belongs the privilege of ordaining those things which are conducive to the public good, and of removing those things which defeat this solitary end; as vices and abuses of every kind, which alienate man from God. The Pontiff, by virtue of his position, is president of all such courts of inquiry and judgment. To scatter or disperse the vicious, and build up and strengthen the righteous, is a duty inseparable from any correct ideas of his office. No ecclesiastical prelate is above kingdoms, and principalities, except the Pope of Rome.

Secondly.—All power inferior to the Pope is subject to him, as regards its institutions, and jurisdiction; and the power of conferring and removing at pleasure. Whenever in any council, statutes are enacted, the whole authority of giving them effect rests in the person of the Pontiff. This is according to the Canon

law, which declares that "it pertains to the Pope to institute and confer all ecclesiastical powers inferior to himself."

Thirdly.—All inferior powers, even secular, ought, and are bound, to aid the Pontiff in everything which contributes to the good and efficient government of the church. The republic is bound to preserve and strengthen that power on which the good of the commonwealth rests. The prosperity of a christian community relies especially upon the power of him, whose office it is to regulate the whole religious institutions of the country, and to appoint and fix the ranks and orders in them. If secular persons should propose anything inimical to this papal power, secular princes themselves ought immediately to see it their duty to pacify and appease such subjects, and to subdue and vanquish those who are rebels to the Spiritual Court of Rome.

With regard to the temporal and spiritual jurisdiction, which is in the church, it is to be observed that the power is threefold and varied. The first is immediate, namely, from God. The second is derivative, namely, from God, through the Pope; and this is the power of all inferior prelates. The third is given for ministering or subserviency; and this is the power of the Emperor and the terrestrial Princes. The temporal influence of Emperors, Kings, and Princes, is given by the Most High for ministering, through the mediation of the Pope and other prelates of the church, in whom resides the spiritual. The authority of the Pope is greater than all created power beside that of Christ, in some manner extending itself to celestial, terrestrial, and infernal things; so that what is said

in the eighth Psalm concerning Christ may be said of the Pope, "Thou hast put all things under his feet sheep and all oxen, and beasts of the field, the fowls of heaven, and the fishes of the sea."

Pagans are subject to the Pope, who presides in the world in the place of Christ. But Christ hath full power over every creature. The Pope is the Vicar of Christ, and no one can lawfully withdraw himself from his obedience, as no one can withdraw himself from submission to God. And as Christ has received from the Father the government and sceptre of the Church of Israel, so he hath granted to Peter and his successors the most plenary power. And although Pagans cannot be bound or loosed by excommunication, or absolution in confession, yet by the authority of the keys they can be bound by the church, and when judged, they may be condemned; and thus, if they would awake from their state and return to the faith, they might be absolved by the same authority. In like manner, although they cannot be said to be of the church by the merit of faith and good works, yet they can be said to belong to the church by judiciary power, and occasional utility; but the Pope cannot take away the dominion and jurisdiction from the Pagans, which they justly possess.

The gifts of nature are not to be taken from infidels, nor even from demons. The power, therefore, of government, as it is a gift of Providence bestowed on every human creature, cannot be taken away from infidels by the Pope or any christian kings. But it is not inconsistent with this, that the church persecutes Saracens because they resist ecclesiastical laws, and occupy the lands of christians. The Pope can punish

Pagans and barbarous people, when they act contrary to the law of nations in manifest things.

The church can punish, indirectly, Jews, with spiritual punishment, by excommunicating christian princes, to whom the Jews are subject, if they neglect to inflict upon them temporal punishments, when they do any thing against christians. But neither the Pope, nor any other, should compel the Jews to receive faith, when it belongs to God alone to infuse it. Nevertheless, if the conversion of some be desired, they may be compelled, by terrors and stripes, not indeed to revive faith, but that they should present no obstacle to faith by an obstinate will ; for in the conversion of infidels, the judgment of the deity ought to be imitated.

To the question ; are all tyrants resisting the Pope schismatics ? It is answered, there are three kinds of seperatists to be distinguished : first, some are schismatics by intention, and not by operation. Secondly, others are so by operation, and not by intention ; for of themselves they do not intend to divide from the unity of the church. Thirdly, some are so designated by intention and operation ; and the church corrects and subdues these, and persecutes them until they return, by repentance, or break out openly in their wickedness. Hence, both divine and human laws ordain, that those divided from the unity of the church, and wicked disturbers of its peace, may be subdued by the secular power.

Of the power of the Pope over christians, and especially over emperors, it may be observed, that, in the first place, it may be proper to speak of the power of the Pope, both with regard to the emperor, and the empire. The Pope can choose or elect the emperor,

who is the minister of the pontiff; in this, that he is the minister of God, whose place he fills: for God hath deputed the emperor as his minister; since he hath power to regulate all in the church to secure peace, and can direct and destine them to accomplish a spiritual end; for just and reasonable cause, he can also of himself choose an emperor; namely, on account of the negligence or discord of electors, or for the peace and benefit of christian people, or for the goodness and fitness of the person elected, or to restrain the boldness and power of heretics, pagans, and schismatics. The Pope ought to be the prop of truth, justice, and equity. He can do nothing against the truth, but for the truth. It is correct that the emperor receives the sword from God, in a way in which the Pope does not receive it, except as he is the vicar of God. For his holiness cannot choose an emperor as a private person, but as the successor and vicar of Christ.

The Pope can provide for a new emperor by hereditary succession, when he sees that the peace of christian people can be better provided for by the hereditary succession of the empire than by an election; for he hath ordained this, that it might be so, when it is a matter of positive right, in which the Pope hath the plenitude of power. And the reason of all this is, that the church stands in need of the emperor, as advocate and defender for the pacific state of the present life. Considering the acts and condition of men, it seems more suitable for the church, on account of the tranquil state of the faithful, to regulate the imperial dominion by hereditary succession than by election, for these reasons: 1st, the emperor elect ought to be confirmed by the Pope; 2nd, when confirmed he ought to be

consecrated; and 3rd, the pontiff can, for sufficient reason, excommunicate the emperor, and depose and deprive him of the empire.

The power of the Pope over the kings and princes of christian people, is the same in its nature and offices as that of the Jewish high priest, whom all Jews, of every condition, were bound to obey. So all christians, high and low, are required to obey the Pope, who holds the place of Jesus Christ; and disobedience to him is punished as it was by the high priest.*

At the commencement of the thirteenth century, a civil and political form was given to the doctrines and opinions of intolerance, by the establishment of the famous Inquisition, which, in after times, constituted so formidable an instrument for the repression of liberty of thought and action, in some sections of the European Continent. The common account of the origin and progress of this institution, is the following: In the year 1203, Pope Innocent III. appointed two monks, of the Cistercian order, to preach against the Albigenses. He considered them as apostolic legates, and gave them full powers to prosecute all heretics, of every denomination. They were invested with authority to

* Antonini. *Summa Theolog.*: tome 3, folio: Rome, 1485.

. Treatises for and against the Ecclesiastical authority of the Popes.

Guil Barclaii, de Potestate Papa, 1710,—P. de Marca, Paris, 1704; Jausen's *Elinga*, *summa totius doctrinae de Pontificis*, 1690;—P. Molinei, *du monarchia temporali Pontificis*;—Fr. Richer, *de l'Autorité du Clergé*, 1766;—Boulduc, *de Ecclesia ante legem*;—*Essai Contre l'abus du Pouvoir des Souverains*, Amster, 1776;—Justini Freboni, *de Statu Ecclesiae et Legitima potestate Romani Pontificis*, 1774;—*Antifebrouius Vindicatus*, seu *Suprema Rom. Pontificis*;—*Tractatus Theologico-Politicus*; Burigny, *Traité de l'Autorité du Pape*;—*Traité de la Puissance Ecclesiastique et Temporelle*, 1707;—Nierenbergh *Verschil*, &c., 1691;—Pauli Voet, *Juris Sacra*;—Costa, *Histoire de l'origine et du progrès des Revenus Eccles*: 1684

destroy or establish whatever they conceived favourable to their chief design, in the Gaulic provinces of Aix, Arles, Narbonne, and other neighbouring districts. Philip II. of France, was called on to support the authority of the monks, but he took no part in the affair. Many of the feudal counts, of these countries, did not relish this crusade against the heretics, as the Albigenses, who fell under this denomination, were very numerous, in their respective territories, and the counts did not wish to entertain, from motives of interest, the idea of banishing them from these estates; particularly as it was alleged, that the heretics were *all peaceful and submissive subjects of the state*.

The Legates continued to preach and exhort among the dissentients, but without any signal success. Whilst these first movements for the establishment of the Inquisition were set on foot, Innocent III., died; and the duty fell upon his successor, Honorius III., to complete the undertaking. He appointed St. Dominic to form a religious order at Toulouse, which was done; and out of this religious institution, an order of laymen was established, whose duty or office was to assist the Inquisitors in their exercise of their functions. These laymen were called the *Militia of Christ*. The Pope having formed a regular constitution against religious dissentients, it received the sanction of the civil power, at the hands of the Emperor Frederic II., at his coronation. Notwithstanding, however, all these regularly constituted means, the scheme did not seem to prosper. A permanent and effective form was still wanted to the Inquisitional tribunal. In Italy, in 1224, the institution had been brought into a more

workable order, under the superintendence of the Dominican Friars.

To Gregory IX., who succeeded Honorius in the Pontifical chair, in 1227, the Inquisition owes its final establishment. He proved a zealous protector of St. Dominic; and by threats and entreaties, so effectively worked on the hopes and fears of the nobles, that many of the most influential of them resolved to aid the ecclesiastics to drive the heretics from their respective dominions. A council was held at Toulouse, and the decrees, as to liberty of thought, were of the same character as those adopted at the Councils of Lateran and Verona; with the exception that laymen were now for the first time prohibited from reading the Scriptures in the vernacular tongues. Gregory opened up a communication with Spain, where the Inquisition was introduced in 1232. It seemed to thrive here with great rankness; for from this period, till the end of the fourteenth century, several most distinguished persons suffered death from its ruthless and intolerant decrees.

As it is inconsistent with the general plan of this work, to view even such a singular institution as the Inquisition through the exclusive medium of religious sentiment and opinion; yet it is perfectly in good keeping with our method, to notice briefly some of the leading features of this ecclesiastical and political engine, which has inspired so much of both fear and indignation, in almost every civilized state in christendom. It must be remembered that the Inquisition was levelled against freedom of thought in politics as well as in religion; that it was a favourite and efficient instrument for centuries in repressing

the sentiments of mankind on government affairs ; and that had not the tyranny which created and sustained it in active operation been overthrown, we should have had at this moment but a very scanty stock of materials for a history of political literature, to what we now possess. Had this vile scheme of intolerance and cruelty succeeded, agreeably to the wishes and intentions of its promoters, the pens, as well as the tongues of politicians would have been forever most effectually silenced and repressed.

The rules and modes of proceeding of this iniquitous tribunal, were in striking keeping with its professed end and intention. The Pope was at the head of the establishment, which, at Rome, was called the *Holy Office*. He appointed all the Cardinals composing it. All the inquisitorial Courts in Italy, with the exception of Venice, depended upon that of Rome. The members of all the secondary tribunals were nominated by his Holiness, and were removable at pleasure. The Holy Office, at Rome, was composed of Cardinals and Counsellors ;—the former were the judges, and the latter constituted the legal bar, and required to be regular priests, and professors of canon law. The number of subordinate officers was immense. Whatever crimes or offences they might commit, the secular power had no jurisdiction over them. In Spain, the same tribunal went under the denomination of the Supreme Council of the Inquisition ; the members of which were nominated by the king, but subject to the approval of the Pope.

The Inquisition assumed the right of judging, 1st, heretics ; 2nd, those suspected of heresy ; 3rd, their relatives, acquaintances, protectors, and all who fa-

voured them in any way whatever; 4th, magicians, sorcerers, enchanterers, and all who professed witchcraft; 5th, blasphemers; and, 6th, those accused of having resisted any of the officers of the Court. Every person was deemed a heretic who spoke, or taught, or wrote, or preached, any thing against the sacred writings, the creed, the articles of the church, or its traditions; but, above all things, the calling in question the universal sovereignty and unlimited power of the Popes, was considered one of the most mortal offences a citizen could commit. All crimes were punished with death, if the accused were not able to rebutt the charges brought against him; a thing that was almost rendered impossible, from the system of perfidy and deceit invariably adopted towards the accused.

When a victim was seized, probably when sitting with his own family, none of his domestics, nor relatives, dared take the slightest step in the way of his defence. When the inquisitorial fiat went forth, all was as still as the grave; not a tongue moved in his behalf. The Inquisitor took an inventory of his furniture, of his books, and papers; and the heretic was consigned to some dark and hedious dungeon, where the light of heaven never penetrated, and where no one was allowed to speak to or see him, under any pretence whatever. Here he might spend months and years, without knowing the crime of which he was accused, or the witnesses who had deposed against him. After languishing here an indefinite length of time, it was probably suggested to him, that he *might demand an audience*. When called up before his judges, the accused was coolly and mockingly asked *what he wanted*, or whether he had any thing to say to them.

If he were induced, through fear to plead guilty, he was branded with infamy ; and this sentence rendered all his relations, for ever afterwards, incapable of holding any civil or ecclesiastical office whatever. Should he deny his guilt, he was remanded, forthwith, to confinement again, with the admonition, that they gave him time for again considering the subject, and for recalling every thing to his memory. After lingering out another period of misery, he was again called before the Court ; and if he still persisted in denying his guilt, he was forced to take an oath on the crucifix and the gospels, that he would return true answers to all such questions as might be demanded of him. If he refused to take the oath, he was instantly condemned, without any further proceedings.

When a man was condemned to death, all his goods, moveable and immoveable, were confiscated. The maxims of the Inquisition were, that the property of a heretic belonged, by right, to its own officers, even to the prejudice of the children of the accused, or to other heirs of the catholic body. Even death did not exempt a suspected person from the judgment of the Court ; for it might proceed against him after his decease, and cause him to be executed in effigy. It was a solid proof against a man, if he even expressed an heretical opinion in jest. Any expression of approval or admiration of a suspected person after his death, subjected the offending party to the deprivation of christian burial. The lay magistrates were to lend all their power and influence to the support of the Inquisition, under pain of excommunication. A magistrate who neglected to perform this duty, if he delayed procuring absolution, was liable to be condemned as a

heretic. It was a general maxim, constantly insisted on by all the supporters of this tribunal over opinion, that it was better that a hundred pious and innocent persons should suffer, than that one heretic should escape. The reason assigned was, that by putting the innocent to death, was only transferring them to a heavenly kingdom; whereas, if a heretic escaped, he might infect multitudes with the poison of his doctrines.

The *Auto da Fe* was the crowning glory of the Inquisition. It consisted in the public burning of such heretics as the Court sentenced to death. An execution of this kind excited great interest among the mass of the people, and was the signal for general joy and festivity. We shall give the outlines of an exhibition of this kind, which took place at Madrid, about sixty years after the Inquisition was established.

A stage of fifty feet in length was erected in the grand square of the city. There was a balcony intended for the reception of the king and his Court. At the extremity of the balcony there was an amphitheatre of the Council of the Inquisition; and opposite to this was a similar construction for the victims destined to perish in this human sacrifice. The places for their most Catholic Majesties were so arranged, that the queen sat on the right-hand side of the king, and on the left of the queen-mother. The ladies of the Court occupied the rest of the balcony. There were places for the Ambassadors, and the public generally. The procession commenced as follows. A hundred coal-merchants, arrived with picks and muskets, and marched in front, because they furnished the wood for the stake; next followed the Dominican friars,

preceded by a white cross. The standard of the Inquisition was carried by a noble family, who claimed the honour as an hereditary privilege. This standard was of scarlet damask ; on one side was embroidered a naked sword in a crown of laurel ; on the other, the arms of Spain. A green cross followed next, bound with crape. Certain grandees of Spain, familiars of the Inquisition, marched after it, dressed in cloaks, ornamented with black and white crosses, edged with gold lace. The procession was closed by a body of halberdiers, or guards of the Court, clothed in black and white robes, and headed by the hereditary protector of the Inquisition.

When the cortege arrived at the appointed rendezvous, the coal-merchants arranged themselves upon the right hand of the king's balcony, the left being occupied by his guards. Thirty men followed, carrying pasteboard figures, of full length dimensions, of such persons as had died in prison, or under the torture, whose bones were borne in coffins, upon which flames were painted ; the others represented those who, having escaped from the hands of the Inquisitors, had been condemned for contumacy. These figures were placed at one extremity of the amphitheatre.

After a number of other ceremonies, the miserable victims marched beneath the balcony of the king ; and, having made the circuit of the stage, they were placed upon the amphitheatre on the left side ; each of them between familiars and monks who accompanied them. Such as were condemned to death, were surrounded by a number of monks, who exhorted them to repentance as they proceeded. Mass then commenced. The Grand Inquisitor, with his cope and mitre, saluted the

altar, and ascended the steps of the amphitheatre, accompanied by the officers of the Inquisition, who bore in their hands the cross, the gospels, and a book containing the oath by which the Kings of Spain were bound to maintain the catholic faith. The king stood bareheaded, having by his side a grandee, bearing the royal sword. The sentences of the heretics were now read. The first related to those who had died in prison, or who had been condemned for contumacy; their effigies were carried to the lower stage, and placed in cages in which they were to be committed to the flames. The sentences of the rest were then read aloud, one by one, and they were then placed in cages, in order that they might be distinctly seen by all the assembled spectators. Mass having been said, the Grand Inquisitor, dressed in his pontifical robes, granted a solemn absolution to all those who repented. The king having returned, the criminals condemned to the flames were delivered over to the secular authorities, who carried them upon asses to the distance of three hundred paces, and there put an end to their sufferings. The obstinate were burned alive; the repentant were strangled before they were cast into the fire. Those sentenced to the lash were conducted, on the following day, through all the principal streets of the city upon asses, and severely whipped as they proceeded along.

Besides these general executions of the Inquisition, there were particular ones which took place every year at the end of Lent; upon the Friday preceding Good Friday. The same ceremonies took place on these occasions, with the exception of the presence of the

king, who did not attend personally, but only by the chief officers of his household.

Such was the famous Inquisition, one of the most singular and tyrannical instruments that ever exercised power over the human mind. It was truly terrific in every country where it was established. The fear that it inspired, in all classes of the people, was the great element of its power; and this fear was greatly augmented by the invisible modes of its attacks, and the secrecy attending all its movements. Its judgments fell upon its victims like a thunderbolt. Every man lived in dread; and to try and escape from it, was, in the last degree, hopeless. The dearest interests of mankind were recklessly violated. Fathers delivered over their children, husbands their wives, and masters their servants, without the slightest idea that resistance was either possible or justifiable. All generous thoughts or mutual confidence were stifled among the mass of the people; all discoveries prohibited or proscribed; and the axe raised up against the secret thoughts of the human mind. Even kings and princes quailed before the secret imprisonments, and blazing fires, of this notable tribunal.*

And, it may very pertinently be asked, were there any writers or authors who could defend or justify the proceedings of such a tribunal as the Inquisition? O, yes; there were numerous ecclesiastical and political scribes of the day, who took up their pens in defence of it, long before the art of printing was known. In the theological seminaries and public libraries of Spain, and even in Italy, there are hundreds of treatises, in

* It is computed, by Catholic writers themselves, that full *half a million* of persons have, from first to last, fallen victims to the Inquisition.

manuscript, at this hour, in which the most elaborate abstract arguments are laid down in support of persecution generally, and for the use and public expediency of the terrors of the Inquisition in particular. The very existence of such works shows the deep-felt consciousness of the Roman hierarchy, even in those early times, of the violence they were offering to the innate dictates of justice and humanity; and how difficult a task it was to sustain the credit of an institution, which outraged all the common sentiments and sympathies of mankind. The doctrines developed in these writings, contributed for centuries, the every-day text books for colleges and universities; they were illustrated and enforced with all the fascination that learning, eloquence, and ingenious sophistry could impart; and were, in fact, considered as the fundamental principles of all sound political and ecclesiastical philosophy. Their inculcation formed the most important and vital branch of public instruction; and so systematically exclusive was all the public tuition of the day, that these notions of arbitrary power over opinion, effectually closed up every avenue of the human intellect, by which really useful and enlightened views of social progress and improvement could enter.

CHAPTER XVIII.

ON TRADE AND COMMERCE, AS THEY INFLUENCED THE OPINIONS OF POLITICAL WRITERS, FROM THE EARLIEST PERIOD TILL THE YEAR 1400.

It is not our intention to enter here into any formal history of commercial or trading enterprises; these have been very amply discussed by distinguished writers, in almost every country in Europe. We purpose only very briefly alluding to such general laws, declarations, and manifestoes of trading communities, as are interesting to the historian of political sentiment, and public opinion to know.

The various codes of commercial laws and rules, often led to great alterations in the civil and political institutions of countries; and when they happened to be wise and just in themselves, they often roused into activity much of that liberality of opinion, and mutual good-will, among different nations, which operated favourably for the extension of real liberty and prosperity. We find, as we proceed from the most early times, to the period mentioned at the head of this chapter, that, in these ages famed for active commercial speculations, we recognize a corresponding extension of a spirit of national independence, and well

regulated liberty ; as well as a more willing disposition in rulers to yield civil privileges of great importance to the popular feeling of the day.

There are but few documents which throw much light on the true state of trade, commerce, and manufactures, or on those general principles which go under the denomination of commercial legislation, up to the end of the fourteenth century. The chief guide we have in our reasonings and conclusions on the subject, is rational inference and deduction.

We are apt to imagine, when perusing the ordinary histories of these two thousand years, and dwelling upon the constant wars and feuds among the several nations of the world, that all semblance of trade, commerce, and handicraft work, must have been banished from the earth ; and the whole of society reduced to herds of barbarians and houseless wanderers. But this is frequently an exaggerated, and a positively erroneous notion. The very existence of extensive armies presupposes, and cannot exist without, a considerable advanced state of the arts of life. These vast herds of men must be equipped and supported ; the most part of their number must have cities and homes to which they belong ; and for their daily sustenance, the land must be made to yield her fruits in ordinary abundance. All this must, in all countries, rest upon a pretty broad basis of the arts and occupations of peace.

We find scattered remarks in ancient histories, that the early cities famous for their trade, and commercial skill and enterprise, were likewise noted for their love of civil liberty ; and those occasional tumults which are also mentioned in such localities, were generally the result of the somewhat ill-regulated enjoyment of

this great political blessing and inheritance. The inhabitants of Tyre, Sidon, Carthage, Phœnicia, Egypt, and most other cities alluded to in our common histories of the ancient world, generally enjoyed a much larger share of personal independence and power, than fell to the lot of the other portions of their respective countrymen, who inhabited the smaller provincial towns and agricultural villages. This circumstance constitutes a particular and conspicuous feature in many of the writings of the early politicians of Greece, and even of Rome itself, who enumerate not a few of these municipal and civil privileges, as tokens of the progress an entire nation had made in constitutional freedom, and national civilization and intelligence.

We likewise find many striking exemplifications of this connexion between the commercial spirit and civil freedom, in the history of Europe, from the christian era to the termination of the fourteenth century. The first indications of the revival of social liberty in the Italian States, was coeval with the foundation of its commercial cities, and the augmentation of its trading speculations. When the pressure of the barbarian conquests had in some measure abated, the merchants of these states opened up a commerce with the ports of the Greek empire; and the connections thus established paved the way to similar undertakings in the Northern and Western countries of Europe. The Venetian Republic, commanding the Adriatic on the one hand, and important and extensive ranges of the European continent on the other, became admirably skilled in commercial affairs; and at the end of the ninth century was, in fact, the mistress of the entire trade of the then civilized world. She was afterwards

followed by Amalfi, Pisa, Genoa, Florence, and other cities; the internal histories of which abound with rich and varied materials for the literary and speculative politician.

In all these great commercial emporiums, we find the spirit of political party and rivalry running high. The continual struggles for national superiority and power, and for individual liberty and independence, present lessons full of interest to the political philosopher; and, at the same time, display the powerful and humanizing influence of trading communications over the barbaric element of mere savage and military power. On this point, an able moden author makes the following pertinent remarks. "It is remarkable," says he, "that republican liberty, though at length carried to an extreme in the northern parts of the Italian peninsula, was primarily established in its southern region, from which it appears to have been transmitted by the communications of commerce. The southern countries, favoured by their ambiguous situation on the frontier of the two empires of the east and west, and by the commercial advantages of this position, were enabled to present instances of republican government, while those of the north were yet comprehended under the Italian kingdom and the dominion of the emperor; but, on the contrary, they sunk under the ascendancy of the new kingdom of Naples, just about the same time in which the emperial authority was ruined in the northern provinces, and these became divided into a multitude of free communities. Southern Italy, accordingly, displayed the example of liberty which was imitated in the north; northern Italy, however, the field of contention for the Pontiff

and the German Monarchs, was that in which the most strenuous and successful efforts of independence might be exerted. The latter region also was the part of the peninsula, in which the principles of transmitted improvement had been best protected, and could, therefore, be best developed by the fostering influence of freedom, as it was likewise that, from which its fruits could be most directly communicated to the western countries of Europe.”*

The *Hanseatic*, and the *Rhenish Leagues*, formed very important establishments in the early history of commerce. The greater part of the principal towns in Germany, were gradually emancipated from the authority of the baronial Lords and Bishops, to whom they owed allegiance. Those cities which had obtained commercial privileges often found themselves in opposition to some neighbouring Lord or Baron. From the frequency of wars, it often came to pass that a town was not in a situation to defend itself against the confederated influence of the nobles; and from this cause, it often was a matter of prudence and policy for two or more towns to unite their strength and resources together for mutual defence and protection. This state of things formed the elements of the Hanseatic League. There was, however, another element which entered into the nature of this celebrated commercial confederacy. There were certain associations or corporate bodies formed by German merchants residing in foreign countries, called *Hanse* or *Housa*, and which associations after received the formal sanction of the sovereign of the country where they were founded. The most distinguished of these associations were those of Bruges,

* Dr. Miller, Hist. vol. 1, p. 142.

London, Bergen, in Norway, and Novogorod, in Russia. At their first formation, these communities of merchants had no connection with one another; but when different towns were united for mutual commerce and defence, then private associations were amalgamated with them.

The Hanseatic League was first established in 1210, by a treaty of amity and mutual assistance, between the cities of Lubeck and Hamburgh. In a short time other cities joined them, till the number amounted to *seventy*, all situated in the north of Germany, from the Rhine to the Vistula. Deputies and envoys from these cities meet at stated periods at Lubeck, for the transaction of such business as was connected with their mutual interests. The principal design of the League was to protect German trade in the interior of the country, and to maintain peace among all the confederated cities. The fleets of the league were respected by every European power, from Russia to France, and for the space of two centuries, the whole trade of the Baltic fell exclusively into the hands of the members of the league.

The Rhenish confederation was something analogous to the preceding. The cities on the two branches of the Rhine entered into a treaty, for the mutual protection of their trade, from the Baltic to the Wesel, which was often interrupted by the Barons and Lords, who had castles situated on the banks of this important stream. This league which was called the *Rhenish* League, lasted, till the termination of the fourteenth century.

There were many particular legislative measures affecting directly the general commerce of Great

Britain, which, in its middle age history, exercised a considerable influence over the spirit of political, and social speculation generally. Some of these we shall just briefly allude to.

The *Montmain* act was passed in 1279, "Whereby all persons were restrained from giving by will or *otherwise* their estates to those so called religious purposes, and to societies that never die, without a license from the crown."

King Edward, in 1280, grants a measure to the German merchants, to preserve all their liberties in the Guildhall, or *Steelyard*, in London, as it is now termed.

In 1283, a statute was passed for a more ready and effectual mode for foreign merchants recovering debts in England.

Letters of Marque first granted in 1295.

The commercial association called the *Merchant Adventures of England*, formed 1296.

King Edward the First, charter to foreign merchants granted in 1302, called *Charter Mercatoria*.

The absolute freedom granted to all foreign merchants to trade in Flanders, in 1305.

Commercial treaties between England and Holland made in 1338.

Sumptuary laws against luxury passed in England, in 1364, and also against extravagance in dress and in food.

The maritime laws and regulations of the Roman Empire, underwent a considerable change, after the establishment of many great commercial cities in the Italian States. The law of *Rhodes*, was of high reputation, and was formally declared, by the Emperor

Antoninus, to be the universal code of navigation. In this edict he says, "I, the master of the world; let every thing relative to naval affairs be determined by the maritime code of the Rhodians, as often as that shall not contradict our laws."*

The people of Amalfi introduced a code of maritime law before the termination of the tenth century. The laws of Oleron, promulgated by Richard the First of England, in 1194, on questionable authority however, had some influence in their day. The code framed by the merchants of Wisburgh, on the Baltic, was very generally received in the north of Europe. The trading community of Barcelona framed another code in the middle of the thirteenth century, which was adopted by the Venetians, under the designation of *Consolata del Mar*, and which was adopted by all the chief cities in the Italian States. The two hundred and seventy-third chapter of this code contains the following regulations, which modern politicians will readily recognise as embracing the leading principles of maritime law so keenly contested by Great Britain and the United States of America. First, an enemy's cargo, in the ship of an enemy, are both good prizes; second, a neutral cargo, in the ship of an enemy, is subject to ransom; third, an enemy's cargo, in a neutral ship, is a good prize, and ought to be delivered by the neutral vessel in some secure port, for the captor.

Bills of Exchange were known and used within the period of history of which we are now treating. There is a difference of opinion as to the precise date of the first appearance of these instruments of commercial negotiation. Anderson, in his *History of Commerce*,

* Volusus Maximus de Lege Rhodiaca.

supposes they were used in the year 1189; while Macpherson* refers their first introduction to letters of credit addressed successively by Richard and John, kings of England, to merchants in Italy, to pay certain agents employed by them in that country. The second instance of the issue of such letters, bears date the year 1202. Again, it is stated that the first express mention of a Bill of Exchange occurs in the year 1255; and the use to which it was put was by the Roman Pontiff authorising the Italians, who had advanced money for the conquest of Sicily, to draw upon the English prelates, for such sums of money as had been advanced for this purpose by the merchants of Sienna and Florence.

It was in the middle of the fourteenth century, and in Italy, that the system of granting loans of money, both for public and private purposes, commenced;—a system which has subsequently acquired such direct influence over all modern governments, and fills up such a large portion of the general current of literary and political speculation, in the various leading sections of civil economy. As these modes of lending money on certain rates of interest, were contrary to the ideas which the church entertained as to the lawfulness of usury, there was at first considerable opposition to them; chiefly from the members of the clerical body. Most all the writings which the establishment of the Italian banks, and Italian schemes of finance generally, called forth, still remains in manuscript in the different libraries in Italy and France; but there is good reason for thinking, that these speculations were principally confined to the question

* Vol. 1, pp. 348, 367.

of the fitness and propriety of the church engaging in any forms whatever, with usurious transactions, either of a public or a private nature. As to the effects which banks, and loans, and fictitious paper transactions, were calculated to have on the leading and primary principles of all social institutions which adopted them, there seems, up to this period, to have been nothing discovered among political writers. This was too subtile and profound a subject for the age to grapple with and unfold.

The ordinary principles or doctrines of which we, in modern times, denominate the *balance of trade*, seem up to the end of the fourteenth century, to have been little regarded or understood. Nor, indeed, are there any treatises up to this period that develope any abstract principles of commercial policy further than mere statements as to matters of fact suggest. There are many hundreds of public documents, and small works scattered in manuscript throughout the libraries of Spain, Italy, and even in Paris, which treat of custom-house affairs and tariffs, powers given to consuls, and commercial agents, and the rules and regulations appertaining to the trading in particular manufactures and commodities. There seems to have been no lack of writings on the details of trade and commerce generally, even before the art of printing came into use. But all such literary productions were necessarily limited and local in their character and influence.

CHAPTER XIX.

MISCELLANEOUS POLITICAL WRITERS, FROM THE NINTH CENTURY, TILL THE END OF THE FOURTEENTH.

THE chief portion of the political writers, briefly noticed in this chapter, may be considered as forming a species of pioneers of that division of political literature which embraces individual attacks upon established rules of polity. They constituted the still small voice of popular feeling, against the deep-rooted abuses of power and injustice. They were the first rude types of the journalist and pamphleteer. They brought politics out of the cloisters, and from the university lecture-room, and secured them a hearing at the hearths and homes of the people. Such effusions, individually considered, look to our eye of the present day, as exceeding puny and feeble; but collectively they resemble a series of small rivulets, descending from opposite and Alpine regions, which converge and form a powerful and majestic stream. As it proceeds, it gains in magnitude and strength, until all ideas of effectually resisting its progress seem futile; and the only means of turning its waters to advantage is, to make them serviceable for purposes of transport, and to the irrigating and fertilizing the various regions through which it rolls its impetuous course.

The historians of Spain ascribe a work to El Rey D Jayme Primero de Arragon, on *Moral and Political Philosophy*. It is chiefly constituted of passages taken from the ancient philosophers relative to the best means of governing a nation. The leading principles laid down in the treatise are, that all governments should be founded on the doctrines of theology, which contain the intimations of the Deity as to what is friendly or adverse to the social interests of men. The happiness of the great bulk of the people ought to be the grand aim of all legislation; and to promote it, the arts of peace, and the diffusion of knowledge, should be sedulously encouraged. All legal obligations rest on the immutable maxims of eternal justice and right; and whenever laws run counter to these, either wholly or in part, corresponding evils, of variable intensity, are the never-failing consequences, and the real interests of society are impeded and frustrated. The royal author often makes direct allusions to the writings of Cicero, especially to those portions of them which treat of the leading maxims of social polity and jurisprudence.*

The opinions of Alfrie, in the year 1000, on the popular doctrine of the kingly office and character, are worthy of notice. "It behoves a christian king," says he, "that he be all as it is right the people's protector, and a just shepherd over the christian flock, and it behoves him that he with all his might raise christendom, and advance and protect God's church everywhere diligently, and pacify and reconcile with just law all christian people, as he most earnestly may, and love justice in everything, before God and before

* Bibli. Hisp., vol. 2, p. 605.

the world. Because by that he shall profit himself in the first place, and also his people, whom let him love rightly, before God and before the world. And it behoveth him that he diligently help those who wish for justice, and ever most hatefully persecute those who wish for wrong. He shall be with justice both mild and severe; mild to the good, and stern to the bad. This is the king's right, and the manner of a king, and this shall be most efficient to the people. Through the king's wisdom the people shall be happy, prosperous, and victorious, and on that account shall a wise king enlarge and increase christianity and royalty, and ever he shall hinder and persecute heathenism. He shall listen very diligently to scholars, and diligently hold God's commandments, and frequently search wisdom from his *writers*, if he will rightly hear what is good." * * * * "Every just throne stands on three props, that stand perfectly right. One is *Oratories*, and the other is *Laboratories*, and the third is *Bellatories*. The *Oratories* are the men of prayer, who shall serve God, and by day and night intercede for the whole nation. The *Laboratories* are the workmen, who shall labour in order that all the nation shall live thereby. The *Bellatories* are the men of war, (i.e. Knights,) who shall defend the land, valiantly with weapons. On these three props shall every throne stand with justice among christian people. And if any of them become weakened, soon the throne wavers; and if any of them fail entirely, then the throne falls down, and that will be the entire ruin of the people. But let man establish and strengthen and confirm them diligently, with the wise law of God, and just law of the world, that will be to the nation

for a lasting counsel. And it is true what I say, if christendom be weakened, soon royalty wavers; and if people raise lawlessness everywhere in the land, or love everywhere wickedness too much, that brings the people to ruin. But let people do as it is needful, let people put down injustice, and raise up God's justice, that may bring it to prosperity before God and before the world."*

At the commencement of the tenth century, we have a treatise, still extant, written by Constantine Porphyrogeneta, "*On the Art of Governing*," in which he investigates the origin of many ancient nations, descants on the nature and extent of their power, their progress in knowledge and riches, their various revolutions and declines; to which is added a series of their princes and rulers. He is likewise the author of a "Discourse concerning the manner of forming a Land Army, and Naval Force in order of Battle."

Political sentiment and opinion displayed themselves very early in Holland and the Netherlands. The cities in this section of Europe obtained municipal privileges and power at an early date; and the inhabitants of these independent communes were led to give publicity to their ideas on general government, chiefly through the medium of popular ballads, novels, romances, and chronicles in verse. The Dutch and Belgian languages are rich in these early semi-political productions. There are also several of these written in the French language, which became prevalent in these countries, even for literary purposes, as early as the twelfth century, and which goes under the name of *Romaine Français*, in the works of modern historians and critics.

* Cotton M.S.S., N.A., folio 71.

Many of the Flemish songs, especially those classed under the head of *historical*, of the twelfth, thirteenth, and fourteenth centuries, touch very pointedly and enthusiastically on public matters and proceedings. These poetical effusions often make direct and forcible appeals to the passions of the people, and bring before them vivid and lively pictures of the civil and political movements of the day. In the songs on the death of Van Artevelde, (1345,) and those on the Duke of Brabant, (1388,) and even in others of a prior date, the reader will readily recognise the political feelings prevailing this branch of the literature of the country. Van Maerland, who flourished about the commencement of the thirteenth century, was a writer of a keen political discernment. He laboured zealously and successfully to direct the popular writings of the day from legends and supernatural agents, into social, domestic, and political channels, with a view of imparting to his countrymen more elevated sentiments of patriotism, and civil independence. He translated many French works, having this tendency less or more, into the Flemish language. His two celebrated productions, "Rymbybel," and "Spiegel Historical," are written in verse, and contain an immense mass of information on everything connected with the social and civil welfare of the community at large. In the works of Aldenez, Li Muisis, Philip Mouskes, Michael de Mesmil, and other Flemish writers of the thirteenth and fourteenth centuries, there is more or less of political satire and observation to be found.*

Political sentiments, of an enlightened and liberal

*Oude Vlaomsche Liederren, Brussels, 1811. See also the collection of M.SS. in the Burgundian Library at Brussels.

cast, are to be found in the Flemish epic poem of John Van Heclu, called the "Battle of Woeringhe," written in 1291. The work was dedicated to Margaret of England, the wife of John, the second Duke of Brabant. In the descriptions of the heroes therein mentioned, there are many most patriotic and sound maxims on general government. The same character may be applied to another historical poem, bearing a date about the same time, descriptive of the war between Godevaert, of Brabant, and the Lord Van Grimberghe, and containing not less than *twelve thousand seven hundred lines*. In 1380, Nicolas de Klerk, a burgher of Antwerp, wrote "Brabansch Yeesten," a historical poem in five books, in which there is mixed up with the public affairs of Brabant, a considerable portion of political thought and reflexion.

About the period which we have just named, there were, however, some decided popular efforts made to satirize the public folly, injustice, and wrong of the day. The work known under the name of "Renard the Fox," is perhaps the very earliest political satire known in European literature. It can be traced up to the ninth century; but about the middle of the twelfth, it was quite commonly met with in the hands of the learned in Holland and the Netherlands. It is a severe and direct attack on the general political and social attributes of the papacy. The work has excited a larger share of attention from modern critics and antiquarians, than almost any other single publication of a similar character. We find the same general idea on which this well-known production is founded, adopted at the commencement of the twelfth century, by a poet of East Flanders, who under the name of

Isengrimus, composed a poem in elegaic verse, of great beauty, and abounding in pointed satire on the events of the times. At a somewhat later date, from 1148 to 1160, another Flemish writer adopts the same poetical allegory, and under the name of *Renardus Vulpes*, composed a work containing *six thousand, one hundred and ninety-six verses*. In 1170, there is another poem in the same Belgian language, wherein the adventures of the Fox, are depicted with a great deal of quaint humour and drollery.

The satirical productions of a political complexion, which were published in *Romaine Français*, in the Netherlands, commences with the names of Raoul de Houdane. and Christian de Troyes, both natives of Hainault, and who wrote about the commencement of the twelfth century. The latter was court poet to Philip of Alsace. To these names we may add that of Jehan li Niverlois.

The work of Geraldus, "De Instructione Principum," is a curious and interesting performance, having been written about the year 1200. He was an Ecclesiastic, and had studied many years at Paris and Rome, and in the latter portion of his life, was at the English Court under Henry II. Geraldus says, "This treatise touching the instruction of princes, promised so often, our diligence has at length completed. The nobles mourn, the prelates sigh, the Church of God, alas! is moaning; spoiled by more than Pagan rage, not merely of its external possessions, but its various sacred vessels for the services of the church. * * * The powers do nothing but plunder and oppress the people; the strangers plunder; private men betray; the wretched weep. What end

this contest is like to have ; what end also the Norman Kings shall find ; all this is left for future historians. But for us to have detailed how that dog and tyrant, sprung from tyrants the most cruel, of all tyrants the most tyrannical, would have been an irksome and unprofitable task. A calmer day is we hope soon to look down on England's realm, when liberty and toleration, shall be the rule and not the exceptions of its rulers." The first chapter of this work is particularly interesting, pointing out the duties of princes, upon the abstract grounds of moral philosophy.

The celebrated Arabian philosopher, Averroes, wrote, in 1050, a paraphrase on Plato's Republic, which displays great acuteness, and a thorough acquaintance with the leading principles of Grecian legislation. The Arabian rests the entire fabric of all societies upon the intuitive conceptions and feelings of mankind. The leading principles of civil polity, are, in fact, emanations from the divine mind. They comprehend the love of order, of equity, of justice, and of benevolence. Mankind have misapprehended their lofty and sublime origin ; and on this account they have profited so little from their influence. But when they shall turn their philosophic thoughts steadily to the subject, they will form more comprehensive and elevated notions of political right and wrong ; and learn the happy art of reconciling all the real, as well as apparently jarring elements of social life, into an an active and harmonious whole. Every earthly influence will be swallowed up in a diviner passion ; and life below will be an exact type of the heavenly state, where peace, love, concord, and mutual felicity, will reign for ever. Good men have anticipated, and

sighed for, this political renovation, in all ages of the world.*

The most valuable writings to Englishmen, in a constitutional point of view, are those which relate to the general principles of the law of England, written before the end of the fourteenth century. These works have invariably held a high position in the estimation of British political writers of every age and party. The concise and pithy maxims they contain on justice, law, and government, have become so interwoven with all our public writings, that they pass current amongst us, as truths of the highest moment to the interests of society. These maxims are like land-marks to mariners—they both warn them of danger, and direct to places of shelter and security. One of the distinctive characteristics which the political literature of Great Britain possesses, over that of any other nation, is the constant reference which it makes to the leading principles of government contained in those ancient works, whenever important laws are about to be enacted or altered, in which the happiness or freedom of the mass of the people are involved. It is this sterling attribute which confers on all the old constitutional authors and civilians of England, such a great interest and value, and which renders their views and labours so essentially necessary to every one who lays claim to the title of a political writer.

HENRY DE GLANVILLE. This early writer was Chief Justice of England in the reign of Henry II. He served the king in the capacity of soldier, statesman, and judge. His celebrated work is entitled, "*Tractatus de Legibus, et Consuetudinibus Angliæ*;" and is

* Opera, Paris, 1596.

supposed to have been written by the express desire of the king. This conjecture is founded upon the circumstance that, in the Cottonian collection there is a manuscript of Glanville's, bearing the title of "Laws of Henry II." This treatise was first printed by Sir William Stamford.

Glanville seems to have been a great favourite of Henry's; but he resigned his legal duties as Chief Justice. We find him assuming the order of the cross, and fighting before the town of Acre, in 1190, where he unfortunately perished.*

ANDREW HORNE. This is the reputed author of the old and valuable treatise called "The Mirror of Justices." There is, however, some doubt about its real authorship. Lord Coke supposes, that by far the greater part of the work was composed before the Norman conquest. Dugdale is of opinion that Horne compiled the treatise from a very ancient law-book called "*Speculum Justitiariorum*." Coke entertained a high opinion of the "Mirror" and says that the whole body of the common English law may be found in it.†

REGIUM MAGESTATUM. The author of this treatise is not known. From the great resemblance which it bears to Glanville's work, it is supposed that it is only a copy of that book, with some alterations. *Regium Magestatem*, treats of the law of Scotland. "Suffice it here to observe, that the Scotch work bears the marks of having been written with the view of illustrating an author; and this coupled with the circumstance

* Maddocks' Hist. of the Exchequer, p. 123, Bridgman's Leg. Bibl, c. 4 Inst: 345.

+ Crabb's Hist. of English Law, p. 214.

that in Skene's collection of Scotch Laws, which follow the *Regium Magestatum*, several laws are taken from English statutes of prior date, it is pretty clear that a considerable part of the Scotch jurisprudence was borrowed from ours."*

HENRY DE BRACTON. Very little is known of this celebrated individual. His name has even become a matter of doubt and discussion. It is variously written, Bracton, Britton, and Breton. Mr. Prince calls him one of the *worthies of Devon*; and informs us that Bracton studied at Oxford, where he took the degree of Doctor of Laws, and applied himself with great ardour and success to the study of law. He was made a judge in the reign of Henry III.

Bracton's work is divided into *five* books. In the first, he points out the distinction existing between *persons* and *things*; in the second, the modes in which a property in things can be attained; in the third, we have a discussion on actions or remedies at law; the fourth is divided into several sections, which treat of *novel disseisin*, the assizes of *ultima presentatio*, the assize of *mort d' ancestor*, the writ of consanguinity, the grants in *elemosyna*, and on dower. The fifth, and last book is likewise divided into sections, in which the author treats of the writ of right, essoins, defaults, warrentry, and exceptions.†

In addition to these authors, there are others of a similar character, and who treat of constitutional and legal maxims in a similar manner. These are Britton, and Littleton, the authors of "*Fleta*," the "*Doctor and Student*," and the "*Old Book of Tenures*." In

* Crabb's Hist: of English Law, p. 67.

† Reeve's Hist: of English Law, vol. 2, p. 86.

all these the nature and general principles of the ancient law of England are laid down in clear and intelligible language.

Before the year 1400, but few political writings of a satirical character had made their appearance in the various countries of Europe. Public opinion had advanced but very timidly in this direction; nor indeed was the state of literature and knowledge such, as to foster or create works of this cast. The points or applications of satirical effusions on any subject, presuppose a general acquaintance with the topics or circumstances, on which they descant, otherwise they fall dead on the understandings of man. Satire is a polished weapon, and neither its use nor purpose can be understood by an unlettered community. This necessary condition did not, however, exist during the ages of which we are now speaking. They were unquestionably fraught with rich and varied materials on which the ridiculous and burlesque might have rioted to absolute satiety: but general information and literature were but so scantily diffused, even among the higher ranks of life, and there being no press to waft the thoughts of man far and wide, every avenue to the popular understanding was nearly closed, and a general intellectual darkness and stupidity, enveloped the entire mind of European communities.

A popular movement, however, manifested itself in England during the end of the twelfth and the earlier part of the thirteenth centuries, and gave rise to a number of Latin poems full of satirical attacks on established institutions, and characterised by sprightliness of composition. The mass of this kind of literature is ascribed to Walter Mapes, one of the ecclesiastical

dignatories of the court of Henry II. The general opinion, however, of modern antiquaries, is, that the poems under the name of Mapes, are not the production of any one author, but rather of a certain class of persons, bound together by a common feeling of hostility to certain social, political, and ecclesiastical abuses. These effusions are not the expressions of a single individual, against an order of monks; but the patriotic denunciations of a large portion of the English community against the encroaching spirit of civil tyranny and misrule. This spirit displayed itself in great vigour for nearly a century after the days of Henry II. For a season it was again dormant, and then made its appearance in the reign of Edward III., in the satirical attacks of Peirs Ploughman, and the venerable Wickliffe.

• The English political songs from the years 1199, to 1216, which have recently been published by the Camden Society, are very curious specimens of popular feeling as to political subjects and events. There is in the reign of King John, a song, called the "Song of the Times," in which the king is represented as a lion, the bishops as asses; and towards the end the king is changed into a representation of Jupiter, and the Pope is called Pluto. The following is a passage from this singular production.

Roma mñdi caput est, sed nil capit mundum;
 Quod pendet a capite totum est inmundum;
 Transit enim vitium primum in secundum,
 Et de fundo redolet quod est juxta fundum.

Roma sapit singulos et res singularum;
 Romanorum curia non est nisi forum.
 Ibi sunt venalia jura senatorum,
 Et solvit contraria copia nummorum.

Hic in consistoris si quis causam regat,
 Suam, vel alterius, hoc in primis legat.—
 Nisi det pecunium Roma totum regat,
 Qui plus dat pecunie melius allegat.

(Rome is the head of the world; but it receives nothing clean; all that depends from the head is unclean; for the first vice passeth on into the second, and that which is near the bottom smells of the bottom. Rome receives all, and the goods of all; the court of the Romans is but a market. There are offered for sale the rights of the senators, and abundance of money dissolves all differences of opinion. Here in the consistory, if anybody plead a cause, be it his own or another's, let him first read this,—“Unless he give money, Rome denies everything; he who gives most money will come off the best.”)

In a song on the battle of Lewes, which took place in 1264, nearly a century before the time in which the previous song was composed, we have some interesting matter as to the offices and nature of the kingly power. The following lines in the song, speak of this subject.

Nam dissimulatio legem non mutabit,
 Cujus firma ratio sine fine stabit.
 Unde si quid utile din est dilatatum,
 Irreprehensible sit sero perlatum.
 Et rex nihil proprium præferat communi :
 Quia salus omnium sibi cessit uni.
 Non enim præponitur sibimet victurus ;
 Sed ut hic qui subditur populus securus.
 Reges esse noveris nomen relativum ;
 Nomen quoque scivers esse protectivum ;
 Unde sibi vivere soli non licebat,
 Qui multos protegere vivendo debebat.

(For dissimulation shall not change the law, whose stable reason, will stand without end. Wherefore if

anything that is useful has been long put off, it is not to be reprehended when adopted late. And let the king never set his private interest before that of the community, as if the salvation of all yields to him alone. For he is not set over them in order to live for himself, but that his people who are subject to him may be in safety. You must know that the name of king is relative; you should know also that the name is protective; wherefore he cannot live for himself alone, who ought by his life to protect many.)

We shall give a short notice of "The Revelation of Goliath the Bishop," one of the poems ascribed (and with good grounds for its authenticity) to Mapes. We shall quote a few verses, in the English language, of the reign of Elizabeth.

After the author describes a kind of vision he had of seven Churches, he espied four beasts, the lion, the calf, the eagle, and something like the shape of a man. Then the poems go on thus—

"The Lion is the Pope, that useth to devoure,
And laieth his books to pledge, and thirsteth aftir gold,
And dothe regard the marke, but Saint Mark dishonor.
And while he sailes alofte on coyne takes anker holde.

And to the Bishoppe in the cauf that we did see,
For he dothe runne before in pasture, field, and fenne,
And gnawes and chews on that where he list best to be,
And thus he filles himselfe with goodes of other men.

Th' Archdeacon is likewise the egall that dothe flie,
A robber rightlie cald, and sees a-farre his praie,
And aftir it with speed dothe follow by and by.
And so by theft and spoile he leades his life awaie.

The Deane is he that hathe the face and shape of man,
With fraude, deceit, and guile fraught full as he may be,
And yet dothe hide and cloke the same as he best can.
Undir pretence and shewe and plaine simplicitie.

And these have winges to flye, eche one of these said four,
Because they flye abroad, and lie about affaires,
And they have eyes eche one, because that every houre,
They look about for gaine, and all that may be theires.

And everie one of them withe rollinge wheele dothe goe.
For that their chaunginge mynde on tickell axeltree,
Is rold and tost about with strange thoughtes to and froe,
As in a wheele the like we may all plainlie see.

And when I had perusde this title I did reade
The chapter that was next, and as I there abode,
I learnde the Bishoppes' lives, and ought the people leade,
But they do them misslike, and let them straie abroad.

Woe to the horned guydes of this poore mangled flocke,
That dothe bothe hurt and mayme the same with armed head,
Whiles on their hornes they beare eche one of them a locke,
And doe not feede their sheepe, but with their sheepe are fedd.

And dothe not thinke so much on his poore sillie flocke,
That bee bothe blynde and lame, and torne by bushe and breare
And he dothe of the count of milke and fleece take kepe,
And on his shoulders his lost sheepe he dothe beare.

And thus his wandringe flocke dothe followe their blind guyde,
Lead from the perfect waye, even as their sheapperd goes ;
And when he hathe the fleece he leaves bothe flesh and hide,
To feede the raveninge woulfe, or els the gredie croes.

The following is the first verse of the song against
the King of Alemaigne, in the days of Henry III.

Sitteth all stille ant herkneth to me,
The Kyn of Allemaigne, by mi leauté, (by my loyalty).
Thirti thousand pound askede he
For te make the pees in the countri.*

The *Visions of Peirs Plowman* exposed the corrup-
tions and tyranny of the Church with a vigorous and

* Political Songs of England, from the reign of John to that of Edward II.
edited for the Camden Society, by Thomas Wright, Esq.

unsparing hand. The following lines on the condition of the religious orders, and in anticipation of the Reformation, seems curious.

As now is Religion a rider, a roamer about,
 A leader of love-days, and a loud-buyer,
 A pricker on a palfrey from manor to manor ;
 An heap of hounds (behind him) as he a lord were :
 And but of his knave heel that shall his cope bring,
 He loured on him, and asketh him who taught him courtesey ?
 Little had lords to done to give land for her heirs
 To religious, that have no ruth, though it rains on her altars.
 In many places there be parsons by hemself at ease ;
 Of the poor have they no pity ; and that is her charity !
 And they letten hem as lords, her lands lie so broad.
As there shall come a King and confess you, Religions,
 And beat you, as the Bible telleth, for breaking of your rule,
 And amend monials,* monks, and canons,
 And put hem to her penance—
 And then shall the Abbot of Abingdon, and all his issue forever,
Have a knock of a King, and incurable the wound.

The real author of this poem is said to be Robert Longlande, a secular priest. Peirs is represented as falling asleep on the Malvern hills, and seeing, in a series of visions, the evils and corruptions of society, and the dissolute lives of the religious orders in particular.

We have a song, in the reign of Edward II., 1311, "On the King's breaking his Confirmation of Magna Charta."† This song is supposed to have been written on the occasion of the King's journey to the north, where he was joined by his lately banished favourite, Peter de Gaveston, and disregarded the charter which

* Nuns.

† The Auchinleck MS., Advocate's Library, Edinburgh: Art: 21.

he had confirmed in the beginning of the October of that year. We shall extract a few lines from it.

L'en puet fere et defere,
 Ces fait-il trop sovent ;
 It nis nouther wel ne faise ;
 Therefore Engeland is shent.
 Nostre prince de Engleterre,
 Par le consail de sa gent,
 At Westminster after the feire
 Made a gret parlement.
 La chartre fet de eyre,
 Jeol' enteink et bien le crey,
 It was holde to neih the fire,
 And is molten all away.
 Ore ne say més que dire
 Tout i va á Tripolay,
 Hundred, chapitle, court, and shire,
 All hit goth a devel way.
 Des plusages de la tere
 Ore escotez un sarmoun,
 Of üij, wise-men that there were,
 Whi Engeland is brouht adoun.

(A person may make, and unmake,—it is what he too often does ;—it is neither well nor fair ;—on account of it England is ruined. Our prince of England, —by the counsel of his people,—at Westminster after the fair,—made a great parliament. The charter he made of wax,—so I understand, and I really believed it,—it was held too near the fire,—it is all melted away. Now I know not what more to say,—all goes to Tripoli,—hundred, chapter, court, and shire,—all goes the devil's way. Of the wisest man of the land, —now listen to a discourse,—of four men that there were,—why England is brought down.)

In the other parts of the song, we have the counsel of advice of these four wise men to the king. The

first tells him, that unless he takes heed to his ways, observes the Lord's commands, and avoids violence and oppression, he will be cut off. The second enjoins the royal person "not to row against the flood," that is not to aggravate his people into anger and discontent. The third person, says that it is no wonder the land groans, seeing, that bad government, lust, and rapine everywhere prevail. And the fourth wise councillor says, a king must be mad who will not take timely counsel of his advisers.

The political sentiments of our own admirable Chaucer, (1380,) were those of a decidedly liberal and enlightened cast. Many striking passages of this stamp, may be culled out of his poetical effusions. His description of the social and religious duties of a parish priest, is of the most ennobling kind, and must have been pointedly felt, as a severe piece of irony by the clergy of his day. It is a bitter reproach on their general character,—a character which then maintained so close an alliance with the political views and sentiments of the community at large. We shall here insert these beautiful verses, clothed in the modern, though very periphrasistical garb of our inimitable Dryden.

A PARISH priest was of the pilgrim train ;
 An awful, reverend, and religious man.
 His eyes diffus'd a venerable grace,
 And charity itself was in his face.
 Rich was his soul, though his attire was poor
 (As God hath cloth'd his own ambassador) ;
 For such, on earth, his bless'd Redeemer bore.
 Of sixty years he seem'd ; and well might last
 To sixty more, but that he liv'd too fast ;
 Refin'd himself to soul, to curb the sense ;
 And made almost a sin of abstinence.

Yet, had his aspect nothing of severe,
 But such a face as promis'd him sincere.
 Nothing reserv'd or sullen was to see ;
 But sweet regards, and pleasing sanctity :
 Mild was his accent, and his action free.
 With eloquence innate his tongue was arm'd ;
 Though harsh the precept, yet the people charm'd ;
 For, letting down the golden chain from high,
 He drew his audience upward to the sky :
 And oft with holy hymns he charm'd their ears
 (A music more melodious than the spheres) :
 For David left him, when he went to rest,
 His lyre ; and after him he sung the best.
 He bore his great commission in his look :
 But sweetly temper'd awe ; and soften'd all he spoke.
 He preach'd the joys of heaven and pains of hell,
 And warn'd the sinner with becoming zeal ;
 But on eternal mercy loved to dwell.
 He taught the gospel rather than the law ;
 And forc'd himself to drive ; but lov'd to draw.
 For fear but freezes minds ; but love, like heat,
 Exhales the soul sublime, to seek her native seat.
 To threats the stubborn sinner oft is hard,
 Wrapp'd in his crimes, against the storm prepar'd ;
 But, when the milder beams of mercy play,
 He melts, and throws his cumbrous cloak away
 Lightning and thunder (heaven's artillery)
 As harbingers before th' Almighty fly :
 Those but proclaim his style, and disappear ;
 The stiller sound succeeds, and God is there.
 The tithes, his parish freely paid, he took ;
 But never sued, or curs'd with bell or book.
 With patience bearing wrong ; but offering none ;
 Since every man is free to lose his own.
 The country churls, according to their kind,
 (Who grudge their dues, and love to be behind,)
 The less he sought his offerings, pinch'd the more,
 And prais'd a priest contented to be poor.
 Yet of this little he had some to spare,

To feed the famish'd, and to clothe the bare ;
 For mortify'd he was to that degree,
 A poorer than himself he would not see.
 True, priests, he said, and preachers of the word,
 Were only stewards of their sovereign Lord ;
 Nothing was their's, but all the public store
 Intrusted riches, to relieve the poor ;
 Who, should they steal, for want of his relief,
 He judg'd himself accomplice with the thief.

Wide was his parish ; not contracted close
 In streets, but here and there a straggling house ;
 Yet still he was at hand, without request,
 To serve the sick, to succour the distress'd
 Tempting, on foot, alone, without affright,
 The dangers of a dark tempestuous night.

All this the good old man perform'd alone,
 Nor spar'd his pains ; for curate he had none,
 Nor durst he trust another with his care ;
 Nor rode himself to Paul's, the public fair,
 To chaffer for preferment with his gold,
 Where bishopricks and sinecures are sold ;
 But duly watch'd his flock, by night and day,
 And from the prowling wolf redeem'd the prey,
 And hungry sent the wily fox away.

The proud he tam'd, and penitent he cheer'd ;
 Nor to rebuke the rich offender fear'd.
 His preaching much, but more his practice wrought
 (A living sermon of the truths he taught) ;
 For this by rules severe his life he squared,
 That all might see the doctrine which they heard ;
 For priests he said are patterns for the rest.
 (The gold of heaven, who bear the God impress'd :)
 But when the precious coin is kept unclean,
 The sovereign's image is no longer seen.
 If they be foul on whom the people trust,
 Well may the baser brass contract a rust.

The prelate, for his holy life he priz'd ;
 The worldly pomp of prelacy despis'd.
 His Saviour came not with a gaudy show ;

Nor was his kingdom of the world below.
 Patience in want, and poverty of mind,
 These marks of church and churchmen he design'd,
 And living taught, and dying left behind.
 The crown he wore was of the pointed thorn ;
 In purple he was crucifi'd, not born,
 They who contend for place and high degree,
 Are not his sons, but those of Zebedee.

Some of the modern critics of Chaucer maintain, that he was not a decided theological or political reformer, and never made any regular or systematic attacks upon the abuses of his day in church and state, but simply contented himself with merely giving them, in passing, a side-thrust, or a chance skirmish as he pursued his course. It evidently appears that he directed a keen satirical eye towards the lax discipline and worldliness which characterised the general body of the clergy, and delighted in giving them an open and direct rebuke, whenever a suitable opportunity offered.

In the writings of Wycliffe, we find many remarks on the nature of the temporal power of Popes and Sovereigns. He does not dispute the right of the Roman Pontiff over kingdoms and church property in the abstract, but inveighs against the abuse of decretals, and lays down the principle that all clergymen should be subject to the civil law, and magisterial authority.

Among the most influential of all political publications of this period of history, stand the translations of the Old and New Testament. It is stated that so early as the year 1260, Jacopo da Voragine, Bishop of Genoa, the author of the *Golden Legend*, translated the scriptures into the Italian language. This has

been, however, denied by some historians of credit. The first edition of Wickliffe's bible bears the date of 1380.

Benard, Bishop of Aberbrothick in 1303, and Chancellor to King Robert Bruce, wrote the spirited remonstrance which the Scottish nobility and barons transmitted, in 1318, to the Roman Pontiff, asserting the independence of their country. The distinction between civil and religious principles is laid down with great clearness and force.

Those poetical effusions of the troubadours, devoted to moral and political vices of all kinds, were denominated *Sirventes*, and are very numerous. They attack the corruption of the times with honest and burning zeal, and unsparing severity. The public servants of the Romish power are often represented as the most tyrannical and bloodthirsty rulers.

"The poets of the middle ages" says Dr. M'Crie, "known by the name of Troubadours, had joined with the Vaudois, in condemning the reigning vices of the priests; and several of the superstitious notions and practices by which the clergy increased their power and wealth were assailed in those lively satires, which were written in the ancient language of Provence, but read by the inhabitants of Italy and Spain. It is a curious circumstance, and may be considered as reflecting honour on a sect which has been so unmercifully traduced by its adversaries, that the *Noble Teyron*, and other religious poems of the Vaudois, which are among the earliest and rarest monuments of Provencial poetry, contain few of those satirical reflections on the clergy, which abound in the writings of their contemporaries who remained in the Romish Church.

“Indulgences, (says one of the latter,) pardons, God and the devil,—all, the priests make use of. To some they allot paradise by their pardons: others they send to hell by their excommunications. There are no crimes for which pardon cannot be obtained from the monks: for money they grant to renegades and usurers that sepulchre which they deny to the poor who have nothing to pay. To live at ease, to buy good fish, fine wheat-bread, and exquisite wines, is their great object during the whole year. God grant me to be a monk if salvation is to be purchased at this price!”

“If God, (says another troubadour) save those whose sole merit lies in loving good cheer, and paying their court to women—if the black monks, the white monks, the templars, the hospitallers, gain heaven, then St. Peter and St. Andrew were great fools to submit to such torments for the sake of a paradise which costs others so little.”*

The poetical verses of the Norman poet, Luke de Barre, are well known as political satires, which brought upon their author a cruel and appalling death in the twelfth century. In an insurrectionary movement in Normandy in 1124, against the usurped authority of Henry I. of England, Barre joined the enemies

* Si monge niers vol dieus que sian sal,
 Per pro manjar ni per femnas tenir,
 Ni monge blanc, per bouldas a mentir,
 Ni per enguelph Temple ni Espital,
 Ni canonge per prestar a renieu,
 Bene tene per fol sauh Pèir, sauh Andrieu,
 Que sofriro per Dieu aital turmen,
 S' aquest s'en van aissi a salvamen.

(Raymond de Castelnau; Renouard, *Choix des Poësis Orig: des Troubadours*, tome, 4, p. 383.)

of that Prince, assisting them both with his sword and his pen. He was taken prisoner, and when intercession was made for him, by an influential foreign power, his enemy replied, "No, sir, no; for this man being forsooth a wit, a bard, and a minstrel, hath composed many indecent songs against me, and moreover, hath sung them openly, to the great entertainment of my enemies; and since God hath pleased to deliver him into my hands, he shall be punished, in order to deter others from the like impertinence." The poor political satirist was sentenced to lose both his eyes, and died in consequence of the wounds he received in struggling with his executioners.

The political tract "*De Monarchia*" of the celebrated poet, Dante, will be found at the end of the common editions of his entire works.

The first chapter is devoted to the question on the necessity of monarchy. This he does by examining the principles of our nature which induce us to place power in a single hand; and then he refers to the opinions of Aristotle and Cicero on the matter.

The second chapter refers to the principles of monarchy as understood and acted on by the Romans. Here there is an extended reference made to history, from the earliest times to the author's own day. The third book contains an examination into the nature and offices of monarchy, and whether it be by divine appointment. The scripture history on these points is appealed to. The entire work seems but a slight sketch; and to embrace chiefly the scriptural view of the institution of monarchy. The unity of human nature is a leading

principle with Dante. The Popes were so contrary to his taste, as a politician, that he defends, in this work on monarchy, the doctrine of the divine right of Kings, in opposition to that of the divine right of Papal supremacy. He mentions that the imperial power was undivided and independent of the Popes; who, he says, instead of being true sons of the Church, showed themselves to be children of iniquity and of the devil.* The *De Monarchia* was ordered to be burnt at Bologna by one of the Pope's legates after Dante's death.

He founds his main arguments upon the reasonings which Aristotle has laid down in his *Ethics*. But neither the logical skill nor acuteness of the Stagyrte are displayed in the "*De Monarchia*;" for Dante feels more at home in employment of the symbolical language of the prophets of the Old Testament, than in the rigid forms of Grecian dialectics. He even calls upon Virgil as a witness for the truth of his theory of the indefeasible political rights which he claims for the German Emperors.

The political satires spread throughout the poetical works of the immortal Dante, are well known. His *Comedia*, according to an Italian critic, is one entire allegorical attack on the Romish political and civil power.† In the 6th Canto of his *Purgatory*, he lashes with unsparing severity the citizens of Florence for the extreme jealousy they displayed for the security of the civil and political privileges they enjoyed. He likewise declares that Rome is the Babylon of the Revelations.

* Dante's *Monarchia*, was translated from the original Latin into Italian by Marsilio Ficino, about the termination of the fifteenth century. It was placed in the *Index Prohibitorius* of Rome in 1559.

† Rossetti.

Quella, che non le sette teste nacque,
 Et do le diece corna hebb' argomento,
 Fin che virtute al suo marito piacque.
 Fatto v' havete Dio d'oro et d'argento,
 Et che altr' è da voi a l'idolatre,
 Se non ch'egli uno, et da voi n'orate cento? †

These sentiments may be given in English thus:—

“Of shepherds like to you th' Evangelist
 Was ware, when her, who sits upon the waves,
 With kings in filthy whoredom he beheld;
 She who with seven heads towered at her birth,
 And from ten horns her proof of glory drew,
 Long as her spouse in virtue took delight,
 Of gold and silver ye have made your God,
 Diff'ring wherein from the idolater,
 But that he worships one, a hundred she.
 Ah! Constantine, to how much ill gave birth,
 Not the conversion, but the plenteous dower
 Which the first wealthy father gained for thee?”

Dante seems in his *Purgatory* to have prophecied the final downfall of the papacy.

“Yet it may chance, ere long, the Vatican,
 And other most selected parts of Rome,
 That were the graves of Peter's soldiery,
 Shall be delivered from the adult'rous bond.”

Dante's invective against the city of Pisa is bitter in the extreme, and the imprecations he pours on the heads of all his personal enemies, and on those political agents actively engaged in spreading anarchy and confusion throughout Italy, are powerful and terrific. He is under the influence of lofty ideas of national reform and regeneration; and one of the grand objects for the attainment of these, is the total separation of the spiritual from the temporal authority of the Pontiffs. The Guelphs of Florence, the Papal Court, and

the King of France, the three powers allied against his country's freedom and happiness, he represents under the emblems of the panther, the wolf, and the lion. In the 19th Canto of the *Paradiso*, the several crowned heads of his day pass in review before him, on all of whom he pours the vials of his wrath. As an exposé of public abuses, and a reformer, the poet felt the severity of unbridled authority, and suffered banishments and privations of a trying kind. Yet he bore them all with heroic fortitude. We are told, that when one of the clerical dignitaries of note, connected with the ruling powers of the day, whom he addresses as Father, intimated to him, that he might return again to his home, provided he would acknowledge his guilt, and ask for absolution; he nobly replied: "No, father, this is not the way that shall lead me back to my country. But I shall return with hasty steps if you or any other can open me a way that shall not derogate from the fame and honour of Dante; but if by no such way Florence can be entered, then to Florence I shall never return. Shall I not everywhere enjoy the sight of the sun and stars? May I not seek and contemplate truth anywhere under heaven without rendering myself inglorious, nay infamous, to the people and commonwealth of Florence? Bread, I hope, will not fail me."*

The political writings of Petrarch, will be found in his book, on the "Administration of Republics." He examines the foundation and origin of governments, and the principles on which all legal authority rests. The constitution of man is the basis of all. He dwells at considerable length on the political

* Foscolo's Petrarch and Dante.

sentiments and opinions of the ancients. The entire Roman system of government is reviewed by the poet. He expresses himself in rapturous terms in his praises of general liberty and freedom. *

In his poetical works, and confidential letters, there are passages of great force and beauty, directed against the vices and delinquencies of the papacy. The Holy see is called the "impious Babylon;" "avaricious Babylon;" "the School of Error;" "the temple of heresy;" the forge of fraud;" "the hell of the living;" The following stanzas will be found expressive of some of his sentiments on this subject.

The fire of wrathful heaven slight,
And all thy harlot tresses smite,
Base city! thou from humble fare,
Thy errors and thy water, rose
To greatness, rich with others woes,
Rejoicing in the ruin thou didst bear.
Foul nest of treason! is there ought
Wherewith the spacious world is fraught
Of bad or vile—'tis hatched in thee:
Who revellest in thy costly meats,
Thy precious wines, and curious seats,
And all thy pride of luxury.
The while within thy secret halls,
Old men in seemly festivals
With buxom girls in dance are going;
And in the midst old Beelzebub
Eyes, through his glass, the motley club,
The fire with sturdy bellows blowing.
In former days thou wast not laid
On down, nor under cooling shade:
Thou naked to the winds was given,
And though the sharp and thorny road,
Thy feet within the sandals trod;
But now thy life is such it swells to heaven."

* Opera, folio, Basil, pp. 373, 386, 535.

Avignon, in France, was the seat of the Papacy for seventy years, and Petrarch resided there a part of this time. In his letters he draws the picture of the hierarchy, from what he himself daily saw around him. He says that "Babylon on the Rhone resembled her sister on the Tiber." "I am at present," says he in one of his letters, "in the Western Babylon, than which the sun never beheld any thing more hedious; and beside the fierce Rhone, where the successors of the poor fishermen now live like Kings. Here the credulous crowd of Christians are caught, in the name of Jesus, but by the arts of Belial; and being stripped of their scales, are fried to fill the belly of the gluttons. Go to India, or wherever you choose, but avoid Babylon, if you do not wish to go down to hell alive. Whatever you may have heard or read of, as to perfidy or fraud, pride, incontinence, and unbridled lust, impiety, and wickedness of every kind, you will find here collected and heaped together. Rejoice, and glory in this O Babylon, situated on the Rhone, that thou art the enemy of the good, the friend of the bad, the asylum of wild beasts, the whore that last committed fornication with the Kings of the earth."

There has been a good deal of light thrown, in recent times, on the general question, as to the allegorical character of the chief Italian poets of the fourteenth century, by the publication of Signor Rossetti's works.* He has with great learning and candour, devoted many years to the consideration of the subject. The general conclusions to which he

* "La Divina Commedia de Dante Alighieri, con Comento Analitico," 1826. "Sullo Spirito Antipapale dei Classici Antichi d'Italia." 1832.

has arrived, relative to the double or political meaning of these poetical effusions, may be stated, from his own work, in the following terms.

The greater part of these literary productions hitherto looked upon as mere works of amusement, as romances, love verses, or even formal and ponderous treatises, are writings which embody certain hidden doctrines and mysterious rites, transmitted from early ages; and that these portions of their contents bearing the appearance of fantastic fables, contain a mass of unknown history, expressed in particular symbolical characters or terms, calculated to preserve the memory of the secret labours of our ancestors. The obscurity which pervades these works is remarkable, and purposely effected by profound study. The most eminent literary men of various ages, and languages in Europe, were pupils in this mysterious school, which, never losing sight of its principal object, sought out distinguished talents, in order to induce their possessors, to co-operate in the bold design. The modern civilization, or political progress of European States, is mainly attributable to the incessant labours of this school, which produced a vast number of works, fitted for the instruction of nations, and for preparing the public mind for great changes and events. It was chiefly by the unwearied activity, and innumerable proselytes of this school of reform, that the seeds of a deep hatred against Rome were disseminated throughout Europe for many centuries, which prepared the way for that explosion of opinion and doctrine which shook the Vatican to its centre, and ushered in the Reformation in the several countries of Christendom.

The volcanic eruption of free opinions and new political doctrines, which has agitated in modern times the minds and hearts of all Europe, is the tardy effect of the slow but unremitting labours of this ancient school of innovation, which was steadily bent on enfranchising mankind, alike from priestly thralldom, and monarchical tyranny. It has succeeded, through many and painful sacrifices, in partially subduing the first; it now redoubles its strength to overthrow the last.

These statements contain the substance of Rossiti's labours; but we regret our inability to follow him through the various steps of the argument. All we can do is to throw together a few brief observations on the leading incidents on which the author relies for the soundness of his general conclusions.

Historians agree in affirming that the latter half of the thirteenth century was one of the critical epochs in the history of Rome. She was assailed by powerful princes on every side, desirous to repress her temporal and spiritual authority. She proved for the time victorious; but much of her vital strength had been lost in the conflict. While she kept her outward enemies at arm's length, her internal ones multiplied to a great and alarming extent. The Albigeois, and other schismatics had to be repressed by the violent means of the Inquisition. The heretical sects called *Paterini* or *Cathari*, reputed by Catholics as the real descendants of the ancient Manicheans, and who were leagued with the Vaudois and Languedocians, employed a secret language to facilitate their intercourse with one another, in these times of unrelenting persecution. As a direct confirmation of this, there is a letter preserved in Mathew Paris, (1243) purporting to be the compo-

sition of Yvo, of Narbonne, an apostate from one of these sects, in which he states, that he travelled through Tuscany and Lombardy, and was every way welcomely received by the brotherhood by means of this symbolical language. These sects, and the Albigensis, were accused by the partizans of Rome, of believing in the *reign of Satan on the earth*. Rossetti shows that the evil power here recognized was the figurative representation of the Pope. This secret system of interpretation was adopted by all the learned and wary opponents of the Church and State; and while the mass of the orders of the Paterini were banished, burnt, and massacred in various ways, their more influential and daring leaders, of the higher classes of society, escaped through the means of powerful political sympathisers and protectors.

Among the more secret enemies of the Papal authority at this time, the brotherhood of the Templars has been placed. They had their secret schools and societies; and mysterious charges of sorcery and blasphemy were often brought against them by their enemies. The hostility of the Vatican was steadily directed against them. Their sufferings and heroism constitute some of the most touching parts of the history of the times of Dante and his contemporaries. He recognises them, along with his Ghibelline friends, as fellow victims to ecclesiastical oppression.* Boccaccio likewise speaks of them in the most eloquent terms, comparing them, as martyrs for the truth, with the most illustrious sufferers of former ages.†

* Purgatoris, Canto 20.

† Cernere numero quinquaginta sex homines, non eodem sub cœlo genitos, non iisdem moribus educatos, non eruditos doctrinis, non prævisos et ex composito factos, non uno reclusos carcere, nec in aliquo nisi professione

The system they advocated, was shared with the Albigensis and the Ghibellines, and was transmitted to succeeding ages by secret societies and a particular language, long after the Templars ceased to exist as an authorized order of men. Their doctrines, Rossetti affirms, illumine the pages of Dante, Petrarch, and Boccaccio ; and visible remains of them are still to be traced in the symbols and observances of modern masonry.

But the most inveterate enemies to the power of Rome, both temporal and spiritual, were the Imperialists or Ghibelline party in Italy. At the commencement of the fourteenth century it was constituted of a great portion of the leading warriors and civilians of the country, and of those whose learning and taste gave a tone and direction to public opinion. These men were too cautious to attack the Pope openly on religious topics and doctrines, but they boldly reprobated and called in question his assumption of temporal dominion, and undisguisedly upheld the legitimate rights and privileges of the supposed heir to the throne of the Cæsars.

Many of these influential and able men belonged to the school of the Tuscan poets, of which Dante was a distinguished member. And we now come to notice the particular device, that, by common consent, was adopted to convey the notions of political and religious reform to the parties themselves, as well as to form a channel through which they might likewise be conveyed, in future times, to mankind at large. This

conformes, adeo in constantiam convenisse ut non cruciatus ut imminentis mortis terrore discrepans cæteris unus foret: in tam grande monstrum excedit, ut auferatur facile fides: nec dubium: sola veritas fecit unanimes.

device was a very singular one. It was the personification of Love; the making it a pure abstraction; but yet giving it life, form, and sentiment, under the garb of a beautiful and fascinating lady. It was Platonic love in the loftiest sense of the expression. Dante, in his treatise *De Vulgare Eloquentiâ*, expressly declares that Love is the only passion or sentiment in which the vulgar language can be effectively and generally employed. This idea constituted the basis of his allegorical writings, and those of his contemporaries. It has for ages formed a subject of astonishment to critics and readers, and far beyond their comprehension on the ordinary principles of literary criticism, why this love sentiment and feeling should be tortured into such puerile and extravagant conceits, and why sensible and able men—men having a perfect knowledge of the world—should deliver themselves of such strange absurdities on a passion, more or less indulged in by all mankind. Many of these poets were exiles, and in a state of abject poverty; many were slain in battle; and still more were made to feel the world's frown in every possible manner, depressing to the mind, and scorching to the feelings; yet they expressed their love to their respective objects of attachment in such overstrained and bombastic phrases, and with such unsuitable fervour and enthusiasm, that ordinary mortals could neither comprehend nor sympathise with them. An old companion of Dante's in his exile, Sennuccio del Bene, almost at the grave's mouth under the pressure of years and misfortunes, exclaims that "Love will cause his old age to be dishonoured with the crime of vanity, and will make many nations his enemies." One of the last survivors of this school, Cino da

Pistoia, a soldier and politician, dies at the age of eighty, and Petrarch bids "ladies, love, and lovers lament, for that our amorous Messer Cino has lately taken his departure from us." Dante, himself, in his *Vita Nuova*, tells us, that when his noble lady Beatrice departed this mortal life, the city wherein she dwelt became void and desolate, insomuch that he, commiserating its situation, indited an epistle to the Princes of the earth, that is, the Cardinals of Italy, respecting its forlorn condition, commencing with a passage from the prophet Jeremiah, "Quomodo sola sedet civitas plena populo? Facta est quasi vidua domina gentium." Our critic Rossetti, calls upon all reasonable and intelligent men to consider these strange effusions, and say, whether it was not beyond all controversy that there is "something more meant than meets the ear," independent of all other sources of confirmation, for the general theory he wishes to establish.

Some of the critics on Rossetti's writings likewise tell us that "these amatory Ghibelline writers sometimes emancipated themselves from the trammels of the seemingly frivolous school to which they belonged. Whenever they felt themselves secure from the enmity of Rome, they attacked her abuses in such open terms, that they appeared almost on the point of throwing off altogether her spiritual supremacy. Such is the character especially of the *Paradiso* of Dante; which, there are strong reasons for believing—according to Ugo Foscolo—was not known to the world until after the writer's death. Petrarch, who wrote when the seat of the Church was removed to Avignon, frequently adopts a tone resembling that of the early reformers. But it is to be remarked that his Latin

epistles, which throw the strongest light on his mode of thinking on these subjects, were not published during his lifetime; and that the names of those to whom the boldest of them were addressed, have never been discovered. The same caution which induced these writers to be sparing in their open provocations of Romish hostility, would naturally lead them to express their minds more fully under cover of figurative diction. Long before any attempt had been made towards the construction of the general theory which Rossetti has so elaborately raised, the Eclogues of Petrarch, for example, had been observed to contain, under their unmeaning pastoral dress, strong traits of political allegory. 'Quelques unes,' says Ginguené, 'sont de vraies satires, telles que la sixième et la septième, ou la Pape Clément VI. est évidemment représente sous le nom de Miton (doux élément).' And he proceeds to extend this interpretation farther. The Eclogues of Boccaccio, still less known than those of Petrarch, are obviously of the same character. To take as an example the third. The wealthy shepherd Argus enjoyed a wide and rich domain, near the Straits which separate Italy from Sicily. At his death, the young Alexis succeeded to his possessions; but, wandering in that region, he was slain either by a she-wolf, or by the lions with which its woods abound. His brother Tityrus, on hearing of his mishap, calls from his abode by the banks of the Danube, his numerous hounds and rough herdsmen to seize and punish the wolf and the lions. Here is a most unmeaning fable, delivered in very prosaic Latin hexameters. But let us suppose, with Rossetti, that the history of the two last Neapolitan princes

of the Swabian line is embodied in these verses, and every allusion becomes at once plain and manifest. These are the strains of an admirer, a commentator, and almost a contemporary of Dante; and can we not recognize in the wolf and lion, which devour the unfortunate Manfred, two of the allegorical beasts which so sorely beset the poet in the first Canto of his *Inferno*, and which have since scarcely less perplexed his critics and his readers?

To give further support to the theory of political allegory, pervading and directing the early Italian poetry, M. Rossetti states many curious coincidences relative to this general personification of the passion of Love. The following circumstances are curious. Petrarch falls in Love with his incomparable Laura in a Church at Avignon, on a *Good Friday*. On *Easter Sunday*, the Maria or Fiammetta of Boccaccio, was first recognised by him in a church at Naples. On *Good Friday*, the Catalan Ansias March, a friend and imitator of Petrarch, falls in love in a church with his lady, Teresa. On the eve of *Good Friday*, in the year 1300, the pilgrimage of Dante through the wilderness begins. In *Easter Week*, Petrarch commences his *Africa*. In *Easter Week*, Boccaccio places the beginning of the narrative which forms the basis of his *Decameron*. And, lastly, *Easter Week* was sacredly set aside by the Templars, for the performance of their initiatory rites. All these, Rossetti contends, could never be mere casual coincidences, but must have been the result of a common plan and purpose. *

* See the two chapters of Rossetti's essay, "Cenno Prelimiare, sull'amo Platonico."

"By analogy, then," says an able critic on this subject, "from the known and understood writings of those ancient poets, and by a long series of inductive reasoning from internal evidence, which it would be injustice to endeavour to compress within our pages, Signor Rossetti arrives at the conclusion, that the School of Love was in fact the school of a secret science, whose essence consisted in a sworn hatred to the Pope, both as spiritual and temporal sovereign, and a desire for the regeneration of the world by his overthrow, and the substitution of the universal monarchy of the Cæsars. Love, it appears, signifies—in the conventional language of the school—" *affection for the Empire*." "Trilingues ergo doctores," says Dante, "De Vulgaris Eloquentia : " these, according to our author's system, are the three sects which adopted the figurative language—Albigensis, Templars, Ghibellines—"in hoc maxime vocabulo conveniunt, quod est Amor." The word Donna figured all sorts of power and intelligence in the abstract ; the especial Donna of the poet's thoughts was, of course, the imperial authority, or the emperor himself ; but other inferior authorities, and especially the more learned and higher graduates in the Ghibelline school, were likewise, according to our author's interpretation, the "Donne" to whose understanding these sonnets and canzoni are usually directed. "Donne Gentili," as Dante calls them in his Vita Nuova, "e che non son pur femmine." "Life," was a state of Ghibellinism ; "Death" the opposite—a state of slavery to the Pope, whether spiritual or temporal. The same antithesis was expressed by various other correlatives—Liberty and servitude—Cortesia (Courtliness, Imperialism),

and Pieta (Religion, Superstition). Numerous other similar expressions, to which the key may be found with more or less ease by comparison with those writings of the sect of which the political sense is obvious, complete the dictionary of this singular "gergo" or slang, as it may be called in English, for want of a more appropriate expression." *

The theory of Sig. Rosetti's has met with the most powerful opposition from the heads of the Catholic hierarchy in Italy. They have struggled hard to rebut all his charges, to ridicule his symbolical explanations, and charge him with being actuated by the most revengeful and deadly hostility to the entire Papal and political creed. The author has attempted, with great spirit, to answer these several accusations; and the following quotation contains a few of his reasons for maintaining his main position, that all the early Italian writers of any note, were ecclesiastical and political reformers, combatting the corruptions of the day under covert of feigned colours.

"Perceiving that the study of Dante forms, as it were, the occupation of our age, and ultimately persuaded that, notwithstanding this predilection, his poem had never been well understood or explained, I was unable to resist an impulse of vanity, which induced me to publish a part of my labours in the shape of an Analytical Commentary on the Divine Comedy. Being, however, profoundly impressed with a sincere veneration for the Roman Church, I was unwilling to reveal all that I had discovered: I dared not wholly to unmask *that* Dante who bore the title of the Theological Poet: I represented him

* Edinburgh Review vol. 55, p. 539.

as antipapal in politics, but papal in belief. But my silence was not so complete as it should have been in order to avoid attacks, while I did not say as much as I ought to have said to found my interpretation securely. I wrote, in short, for those intellects which could understand more than was expressed ; and thus presented to the world, the two first volumes of my laboured Commentary, which made its first steps with doubtful destinies, between applause and scorn, and then stood still. . . . Some civil criticisms, some uncivil ones, and even some scurrilous and contumelious, were the reward of my great exertions, and of two long years of assiduous fatigue. I heard myself called an impious enemy of the Catholic Church, and a frontless libeller of Dante ; and these titles were the fruit of my wish to respect the Church, and to speak honourably of the poet. I was charged with ignorance, because I had preferred to conceal a great part of what I knew. . . . I discovered that my misfortunes arose from three causes : First, from my reluctance to speak openly, which made me avoid saying all that was necessary to prove an assumption founded on repeated and careful investigations : Secondly, from my inability to do so had I wished it ; because, being constrained to follow step by step the text of Dante, I could not dilate upon the general tendency of my meditated system of interpretation : Lastly, that I had not dared to declare on what secret doctrine the poem is founded, and to deduce the true result from the examination of many ancient writings compared with the ritual volumes of the sect which professes that doctrine. I perceived that, if I wished to continue my work, it was necessary

to cause it to be preceded by another, which might serve as an introductory hypothesis to the Commentary, in which I must supply my deficiencies under the three heads above noticed; that, in short, it was necessary for me to do that which I have begun to perform in the work of which I here present the first specimen. Having recomposed my mind from the insults I had received, I took my pen, and wrote the Disquisitions which I now begin to publish." *

CHANCELLOR GERSON. "De Auferibilitate Papæ," (1368.) This is the production of a well-known philosopher, and one who had studied the general principles of polity, as then usually expounded, with great care. The entire object of the work is to show, that general councils of the church were superior in ecclesiastical and political authority, to the decisions of the pope; and that the encroachments of the church should be arrested by the temporal arm of civil authority. He speaks of the papal power in the following fashion. "The universal church," says he, "is an assemblage of all Christians, Greeks, and Barbarians, men and women, nobles and peasants, rich and poor. It is that church which, according to tradition, can neither err nor fail; its chief is Jesus Christ alone; pope, cardinals, prelates, clergy, kings and people, are all members of it, though in different degrees. There is another church nominated apostolic, which is particular, and contained in the universal church, namely—the pope and the clergy; it is that body which is called the Roman Church; which has the pope as head, and the other ecclesiastics as members. That church can both err and fail—it may deceive or be

* Disq. p. 381, 382.

deceived—it may fall into schism and heresy—it is merely the organ or the instrument of the universal church, and has no authority, except as far as the universal church allows it, for the exercise of that power which belongs to it alone. * * * * “The church has the right of deposing popes who render themselves unworthy or incapable of exercising their office; for if a king, who holds the kingdom from his ancestors, may be deposed when the public good requires it, how much more may a pope who owes his dignity only to the election of the cardinals, and whose father or grandfather may never have had even *his fill of beans*? Is it not intolerable that *the son of a Venetian fisherman* should pretend to the possession of the pontificate as if it were his inheritance, to the great discomfort of the church, and notwithstanding the opposition of kings, princes, and prelates? * * * * * “What folly to allow that a poor mortal, a child of perdition, a miser, a liar, a fornicator, a wicked profligate, should assert that what he binds on earth is bound in heaven!”

Again, “And as to the maxim that the pope may be judged by none, it is their own invention and is contrary both to natural and divine right, which require, that as the pope is a man, and consequently subject to error and sin, he should be judged like any other man for every fault, and even more severely than another, as his elevation renders his faults so much more dangerous. The papal see has been filled by heretics and murderers; infallible authority is not, therefore, in the pope; it is in general councils which represent the universal church.”*

NICHOLAS ORESME, a native of Normandy, and bishop

* Opera: Vol. 3.

of Bayeux, was born in 1356, and died in 1383. He was appointed by Charles V. to translate the *Politics*, and *Economics* of Aristotle, into French. The task was ably executed. The bishop was considered one of the most profound politicians of his day. The translations were not printed till 1489.

Spain was not without satirical effusions of a political cast, at this early period, for we find in the poems of Juan Ruiz, archpriest of Hita, published about 1350, that he dealt very freely with the manners and the civil authority and influence of the clergy. He represents the gates of Paradise to be solely opened by money, and the priests wallowing in sensuality with the purchase money. He likewise states that the pope, as well as the great body of both secular and regular clergy, were equally under the influence of these worldly and mercenary motives. In another production of his muse he is as severe against the manners of the clerical body, whom he describes as living in avowed concubinage. He represents Don Gil de Albornoz, archbishop of Talavera, as having procured a mandate from the pope, ordering all the clergy to put away the wives and concubines whom they kept in their houses, under the pain of excommunication. When this mandate was read to them in a public assembly, it excited a warm opposition; violent speeches were made against it by the dean and others; some of them declared that they would sooner part with their dignitaries; and it was finally agreed that they should appeal from the Pope to the King of Castile.

The following lines are quoted as a sample of the author's poems:

Si tovieres dineros, habras consolacion,
Plaser, è alegeria, del Papa-racion,

Compraráis paraíso, ganaráis salvación,
 Dó son muchos dineros, es mucha bendición,
 Yo vi en corte de Roma, dó es la santidad,
 Que todos al dinero fassen grand homilidat,
 Grand honra le fascian con grand solenidat,
 Todos à el se homillan como à la magestat.

Fasie muchos Piores, Obispos, et Abades,
 Arzobispos, Doctores, Patriarcas, Potestades,
 A muchos Clerigos nescios dábales dinidades,
 Fasie de verdat mentiras, et de mentiras verdades.

Fasia muchos Clerigos è muchos ordenados,
 Muchos monges è monjas, religiosos sagrados,
 El dinero los daba por bien examinados,
 A los probres desian, que non eran letrados.*

IZARN, a dominican monk, sung the praises of the Inquisition in verse. The following lines contain the burden of his song :—

As you declare you won't believe, 'tis fit that you should burn,
 And as your fellows have been burnt, that you should blaze in
 turn ;

And as you've disobey'd the will of God and of St. Paul,
 Which ne'er was found within your heart, nor pass'd your teeth
 at all,

The fire is lit, the pitch is hot, and ready is the stake,
 That thro' these tortures, for your sins, your passage you may
 take.†

Besides the political writings we have just enumerated, which were chiefly on the side of innovation and change, there were others, in most of the countries of Europe, which discanted on the necessity and advantages of cultivating a conservative spirit, and endeavoured to prove that the existing forms of civil polity were the best that could be devised. These

* Sanchez's Collection of early Castilian Poems, tom. 4. p. 76. See also McCrie's Reformation in Spain, p. 58.

† Sismondi. Hist: of the Lit: of the South, vol. 1, p. 227.

writings may be divided into two kinds;—the one confined their range of inquiry to the ordinary illustrations of the abstract principles of natural and civil law. These assumed all forms; from the ponderous folio, to the student's manual for collegiate purposes. The other species of political literature were of a controversial cast, and were called into existence by the general desire of the civil and clerical authorities of the day, to repress the spirit of heresy and reformation, in whatever quarter they made their appearance. The great mass of these several productions is only now to be found in the cloisters of religious establishments, and in great libraries on the continent; chiefly in Spain, Italy, and France. The majority of them are still in the shape of manuscripts, or belong to that class of books committed to the press, soon after the art of printing was discovered, and are now considered merely objects of literary curiosity. All such productions had, however, but a slender hold, even in their own day, on the general mind of political communities; partly from their abstract and recondite nature, and partly from being opposed to all wholesome and rational changes in the civil government of states. These two causes drove them into holes and corners, never again to see the light of day, save through the instrumentality of some modern devotees to blackletter gems, or typographical rarities.

We have already mentioned that the sacred scriptures had been, within the period of history we are now treating of, rendered into the popular languages of the people of Europe.* The general result of this

* Juan I. of Aragon, in Spain, published an edict, in 1233, prohibiting the use of the Old and New Testaments in the vernacular tongue, and com

was not discernable for some time after this period. Limited, however, as the influence of this great movement must have been at first, still it powerfully awakened the curiosity and sympathies of the people; more deeply, indeed, than any profane writings could do. The translation of the Bible gave a weighty impulse and increased activity to mind and political reflexion, and penetrated the inert masses of ignorance and prejudice throughout the whole of the European continent. The shock was felt in every direction, and reverberated from one kingdom to another with the force and rapidity of lightning. The abuses of centuries were laid bare to the eye of the world, and corruption and misrule toppled from their base. A knowledge of the Sacred book gave rise to a new class of political writers,—set apart by common consent, to inculcate certain doctrines,—to form a school—to promulgate a creed,—directed to a definite object, that of emancipating and elevating mankind. These writers concentrated their powers, and daily acquired wisdom in their use and direction. They mapped out the nations, and laboured incessantly among them, in diffusing their political and lofty philosophy of public right and expediency. Their views became continually more definite, compact, arranged, and complete; and the multitude were every way led to bow to their injunctions, and to acknowledge the potency of their

manding all, whether laity or clergy, to give up to the legal authorities whatever books they might have of this kind, that they might be publicly burnt. Alfonso X., of Castile, took, however, a different view of this matter. He caused the Bible to be translated into Castilian: and a copy of it, bearing the date of 1260, is still preserved in manuscript in the library of the Escorial. Other ancient versions of the sacred volume are to be found in the Catalanian, and Castilian dialects, in manuscript, in the public libraries of France and Spain.

influence. Mankind saw for the first time in their chequered history, a steady current of progression, the prevalence of general principles of action, and distinctly recognised a superintending and Divine mind, which guided and regulated the whole.

The general translation of the Bible proved a mighty engine in the hands of those who had never once directed their thoughts to political principles and measures. It had for ages been a sealed book; a thing seldom seen, and only spoken of in whispers and surmises. Now, however, its secret springs were touched, and its treasures revealed to all indiscriminately. It developed the political lessons of divine teachers. It gave a mind and heart to the body politic. It imparted a unity of sentiment and feeling, not only among masses of men, but to the individual members of the domestic hearth and the rustic cottage. Controversies and discussions arose. They rested upon great and interesting questions,—questions indissolubly enterwoven with the loftiest powers and aspirations of the human intellect. The sacred truths sharpened the minds of men, even for the ordinary duties and struggles of life—and imparted to them an ever-living desire to aid in their propagation, illustration, and defence. Men saw their singular and admirable adaptation to all races, climes, communities, and conditions. The Bible proved great and potent in the wastes and wildernesses of the world, as well as in the palaces of kings and nobles, or in the study of the philosopher. It was this universal aptitude to the political wants of the world, that made it eagerly hailed as the sheet-anchor of all true patriots and reformers.

CHAPTER XX.

ON THE OLD CHRONICLES, AND STATISTICAL WRITERS,
FROM THE CHRISTIAN ERA, TO THE YEAR 1400.

THE class of works included in this chapter, is an important one to the general and literary student of politics; inasmuch as he can, by this means, test abstract and speculative principles by facts and circumstances, and point out the several epochs or stages in the entire history of political literature itself. The chronicles and compilations of individual facts, were for many centuries the only materials or store-houses for both historians and politicians; and it is only in comparatively modern times that the minds of men have been carried beyond them, and have attempted, upon purely speculative grounds, to develope those leading principles of civil polity, on which all communities of mankind rest. Mere abstract principles of government, yield however, of themselves but little knowledge of a practical or available kind, unless they be supported and illustrated by a fair proportion of facts; and these can only be obtained through the medium of such works as are here enumerated.

It is not our intention, nor is it consistent with the plan of this work, to go into the general merits of these several treatises. We shall have done all

that is requisite, by merely naming them with a brief and passing remark or two, on the peculiar character and value of some of them. There are very few that will not yield some interesting and valuable information; or fail to prove of service in illustrating some one or other of the general maxims or primary truths of political science.

The ancient historians of all countries only present their readers with a series of facts and events, in the form of chronicles, with which there is mixed up neither abstract reasoning, nor any attempts at instructive application. Such productions were not written for, nor intended to act upon, any thing that we now call *public opinion*. They were not considered as pregnant with any vital portion of useful instruction, but were held merely in the light of antiquarian researches, and matters of taste and curiosity. As nations, however, make advances in social and political science, the minds of politicians naturally fall back upon antiquity, chiefly with a view of verifying their general speculative conclusions, by illustrations and arguments drawn from the uniformity of national affairs, and the every-day displays of human passions, pursuits, and desires. Every phase, therefore, of ancient communities, is more or less interesting to the candid and effective investigation of truth. It is chiefly by contemplations upon the past, that the understanding can be guided and invigorated, and thoroughly instructed on important questions of laws and government. It has justly been observed, "He who studies history as he would philosophy, will distinguish and collect certain general principles, and rules of life and conduct, which must always be true; because

they are conformable to the invariable nature of things ; and by doing so, he will soon form to himself a system of ethics and politics, on the surest foundations, on the trial of these principles and rules in all ages, and on the confirmation of them by universal experience."

Statistics proper,—distinguished from Chronicles, the mere relation of social and political events—constitute one of the many important branches of modern economical science. But up to the period we are now treating of, they were comparatively unknown. They were not considered by any writers on the general subject of governmental polity, as an essential ingredient of it, and necessary to its full and effective development. A certain degree, however, of statistical information, must have been coeval with all forms of government even of the rudest kind ; for legislators could not make laws and social regulations, without having acquired the means of forming a judgment, however faulty, as to the matters brought under their consideration. Still, however, speaking generally, we are warranted in maintaining, that whatever documents of a statistical character there were, before the end of the fourteenth century, relative to population, revenue, trade, commerce, agriculture, and manufactures ; and on the moral, social, and physical condition of the mass of the people of Europe, were things merely incidentally treated of, without any direct reference to the elucidation of purely abstract principles or theories of government.

Statistics are considered, by many able political reasoners of modern times, as strikingly illustrative of the benefit derived from the Baconian method of

investigation, in acquiring and treating of political science, as an entire system. As the astronomer deduces his laws, which regulate the solar system, from careful and patient surveys of the heavenly phenomena ; so, in like manner, the political philosopher watches the progress of society, under all its various aspects, of prosperity and decay, of happiness and misery, and under all the chequered phases which mark the progress of great communities. No purely *a priori* reasonings, it is contended, can expound the entire economy of human society and government. We must have facts to guide us through the intricate labyrinths of speculation, and to impart validity to our general maxims and principles. Merely abstract dissertations, however ingenious and amusing on human affairs, carry no solid conviction to the understanding.

On the other hand, it is affirmed, that statistical knowledge may lead to partial and one-sided views of general polity, injurious to a state, and subversive of the happiness of its people. Mere statistics are often susceptible of a double interpretation ; and they always require to be accurately verified, and likewise to be placed in juxtaposition with statements, principles, and facts of a different order and complexion. These requirements are not always to be found among political writers, and heated partizans, and hence we often find, that very opposite theories of general government are zealously maintained, by a formidable array of statistical details on each side. Mere analysis—a mere collection of facts—will lead a politician into as many and great errors, as the most fanatical and desperate love of system will do. There must

be a medium course steered, for all useful legislative purposes, between the simply practical, and the abstract or theoretical. This has been the path which all solid political wisdom has chalked out for itself, from the earliest records of time, to the present hour.

It may be mentioned, simply for the purpose of methodical connection, that the Grecian statistics are very deficient, and little to be relied on. Every thing in Greece centered on war. If, for example, the male population should be enumerated, it is solely for the purpose of supplying the army; and, in like manner, if inquiries be instituted as to the amount of the general wealth of the community, it is only with a view to rapine or plunder. There are only a few scanty hints, here and there, among the political and historical writers of Greece, that throw any light on the great and leading branches of social statistics.

The same remarks may be applied to the Roman Empire. Pliny gives a list of articles of what were then called luxuries, imported into Rome, and makes some statements relative to the trade with India and Arabia. He likewise alludes to the subject of Exchanges, and the drain of the precious metals. Gibbon, the historian, in many parts of his work, laments the great dearth of ancient statistical information. He says, in one place, "History has never perhaps suffered a greater, or more irreparable injury, than in the loss of the Curious Register, bequeathed by Augustus to the Senate, in which that experienced prince so accurately balanced the revenues and expenses of the Roman Empire."

We beg to premise, that many of the Chronicles and Histories here enumerated, were written after

the period to which this chapter is limited, and also relate to matters and events both prior, as well as subsequent to, the same date. But this circumstance can present to the reader no practical difficulty or inconvenience. The most essential thing for a political student or writer is, to know what was the real state of society at any given epoch, in order that he may be enabled to test his speculative conclusions on the nature and value of those abstract treatises on general national polity, which come within the range of the epoch in question. And it is only from carefully consulting works of this description that he can, in some measure, be placed in such a position as to accomplish this desirable end.

We would wish to say another word by way of explanation. We have not thought it of sufficient consequence, to insert all the old Chronicles which refer to matters comprehended within the period of history here mentioned, such as chiefly relate to geographical, chronological, or antiquarian studies. Our main object has been to point out, not with any degree of fractional nicety, such documents as tend to throw light upon the progress of political speculation generally; and with this view we have confined ourselves to such a list of Chronicles, histories, and public records, as are more or less fitted to accomplish this design. An indiscriminate enumeration of all such works, would have proved an incumbrance, instead of a benefit to the ordinary portion of political students, besides drawing too liberally on the space allotted to the consideration of this subject.

In referring to the Chronicles and historical writings connected with Great Britain, we may mention that

Gildas, surnamed the *Wise*, is about the earliest on record. He flourished in the sixth century. He wrote his book called *De Excidio Britannice*, during his residence in France. His treatise contains a good deal of useful and curious information, but much of the historical part is of such a character, that some recent writers have called in question its authenticity.

The *Venerable Bede*, as he is called, was a native of Jarrow, in the County of Durham, and wrote his *Ecclesiastical History*, and other works, in the seventh century. Bede has always maintained a high character as an able and truthful historian. His ecclesiastical treatise contains many interesting particulars of the civil and military history of the early Britons and Saxons.

Nennius, a monk who lived in the ninth century, is the author of a work, called *Historia Britonum*, which is worthy of consulting.

The most ancient Saxon history is the *Saxon Chronicle*, the compilers of which are unknown. It was first printed by Abraham Wheelock, at the end of his edition of Bede's history. The Chronicle must have been the work of several hands; for some copies terminate in the year 977, and others not before 1154,

ASSER, bishop of St. David's, or as he is called in Latin books *Asserius Menevensis*, was one of the most learned men of his time, and friend and tutor to Alfred the Great, whose life he wrote to the Prince's forty-fifth year. Asser's "*Annals*" or *Historical Chronicle*, published on the authority of Dr. Gale, the well-known antiquarian, enjoys a high reputation among many writers of learning and note.

RICHARD VERSTEGAN, a native of London, but of

Dutch parents, was the author of "A Restitution of Decayed intelligence in Antiquities concerning the most Noble and Renowned English Nation." The author resided at Antwerp, and died in 1635. His work is considered of unquestionable authority. Its errors have been corrected by Mr. Sheringham, in his "Treatise on the Origin of the English Nation." Both works are valuable for Saxon Antiquities.

DOOMSDAY BOOK. This celebrated historical relic embodies a survey of all the lands of the kingdom; their extent in each district, their proprietors, tenures, value; the quantity of meadow, pasture, wood, and arable land which they contained; and in some counties the number of tenants and cottages. William the Conqueror, appointed commissioners, who entered every particular in the register, by the verdict of juries; and after a labour of six years, brought him an exact account of all the landed property of his kingdom, that is the whole of England, exclusive of the counties of Cumberland, Westmoreland, and Northumberland. This survey was finished in the year 1086.

JEFFREY, of Monmouth, is the earliest writer of ancient British History after the Conquest. His statements, have, however, given rise to great differences of opinion among antiquarians and historians. Polydore Vergil and Buchanan have considered the entire history of Jeffrey to be a forgery; while its authenticity has been vindicated by Usher, Leland, Rice, and others. The best edition of this work in Latin, is that of 1587; and there is an English translation, bearing the date of 1718.

CARADOCUS, a Welsh Monk, is the author of "The

Chronicles of Wales." He was contemporary with Jeffrey of Monmouth. There are several manuscript copies of the work in existence, which carry down historical details to the year 1156, being the year in which the author died. There is another copy which brings down the history to the year 1280.

INGULPHUS was Abbot of Croyland, to which situation he was appointed by William the Conqueror. The abbot's history commences with the year 664, and is carried down to 1091. The work is interspersed with many interesting particulars respecting the English kings.

There is a work called the *Chronicle of Chronicles*, written by FLORENTIUS BRAVONIUS, a monk of Worcester. This author flourished about the beginning of the twelfth century, and his Chronicle terminates in the year of his death, 1163. About the same period MARIANUS, a native of Scotland, compiled an historical document, which has been always held in high estimation. It extends from the birth of our Saviour, to the year 1083, and it was afterwards continued to 1200, by DODECHIN, abbot of St. Dissibode in the diocese of Treves.

In the same century we have the historian EADMERUS, who wrote an account of William I. and II., and Henry I. in six books. This treatise was partly published in 1613, by the celebrated Selden. ALDREDUS was contemporary with this author, and wrote a history from Brutus, to the reign of Henry I. Aldredus has been called the English Florus, from the elegant conciseness of his style.

WILLIAM OF MALMSBURY, is one of our most popular ancient historians. He gives us a pretty full account

of our Saxon Kings and Bishops before the conquest, and after it, concluding with King Stephen. William has been a great favourite with most of our modern historical writers. Contemporary with him, we have SIMEON of Durham, who writes a continuation of Bede's history to the year 1130. HENRY, Archdeacon of Huntingdon, who flourished in the twelfth century, compiled a history of England, which has attracted a good deal of notice in modern times. WILLIAM OF NEWBERRY gives us a historical sketch from the death of Henry I. to the year 1197. We have only some mutilated remains of the histories of *Gervase of Tilbury*, an English writer, who seems to have stood high in the estimation of the learned men of his day.

ROGER DE HOVEDEN is one of the chief historians of the thirteenth century. He wrote a Chronicle of England from Bede's time, down to the fourth year of King John. Sir Henry Saville published the work in 1601. MATHEW PARIS stands equally high with Hoveden in the estimation of modern critics. Mathew was a Benedictine Monk of St. Alban's, and one of the most eminent men in his day. "In point of learning, industry, and candour, he outstripped all his contemporaries. The vigour of his mind, great for the age in which he lived, could not exceed the courage with which he told unwelcome truths." His history is divided into two parts; the first commences with the Creation of the World and terminates with William the Conqueror; and the second extends from William's reign to the year 1250. About this period we have Layamon, one of the *rhyming* chroniclers, whose work is curious, and not devoid of interest.

NICHOLAS TRIVET, and ROGER CESTRENSIS, wrote

each histories of the eleventh, twelfth, and thirteenth centuries; and THOMAS WIKES, an Augustine Canon of Osney, Oxfordshire, is the author of a history, commencing with William the Conqueror, and comes down to the year 1306. About the same period one JOHN BROMPTON flourished, who has left us a chronicle bearing his name, which has been often highly spoken of by recent authors. It begins at the year 588, when Augustine, the monk, arrived in England, and ends in the year 1198. The Chronicle of WALTER HEMINGFORD furnishes some particulars of the reign of Edward.III. The Polychronicon of RALPH HIGDEN, a monk of Chester, is considered a mere compilation from previous works of the same character.

JOHN, vicar of Tinmouth, and MATHEW of Westminster, have enjoyed considerable reputation as useful and zealous collectors of historical matters. HENRY KNIGHTON, canon of Leicester, commences his history with Edgar, and ends at the death of Richard II. THOMAS WALSHINGHAM is the author of a short account of Henry the Third's reign; and William Caxton, the first who introduced the art of printing into England, has left us his *Fructus Temporum*, which commences with the first inhabitants of Britain, and ends in the year 1483.

After the art of printing was discovered, ancient records and historical works considerably multiplied. Robert Fabian, a merchant of London, wrote his "Chronicle of England and France." This work commences with Brutus, and terminates in the year 1504. He gives a very full account of London, and the general matter of his chronicle is considered highly valuable. POLYDORE VERGIL, was a native of Urbino,

in Italy, an ecclesiastic of note, and an author of a "History of England." RALPH HOLINGSHED'S "Chronicle" is voluminous, and of deservedly high reputation. He was assisted in his labours by William Harrison, Richard Stainhurst, and others. The Chronicles of JOHN STOW, JOHN SPEED, and SIR RICHARD BAKER, are exceedingly interesting and valuable, both to the general historian and politician. There are "Chroniques D'Angleterre," by J. de Waurm, in two volumes folio, forming the MSS. No. 547 and 548, in the *Bibliothèque du Roi*, Paris. This work is but little known in England. These Chronicles extend from the year 1339, till 1471. All the leading political incidents of the times are treated of with great accuracy, both as to matter and arrangement.

The work of Sir Frederick Morton Eden, entitled, "The State of the Poor; or a History of the Labouring Classes in England, from the Conquest to the present time," is well entitled to the attention of politicians. It is full of most important matter; and its tables and general statements, are correct, and grounded upon the most conclusive evidence. The work is carried down to about the year 1780. The author was a Director of the Globe Insurance Company, and died in 1809.

The works of Joseph Strutt, entitled "the Regal and Ecclesiastical Antiquities of England," and "Complete view of the Dresses and Habits of the People of England," are worthy of attention.

There are a great number of other more modern chronicles and histories of England, which we cannot at present enumerate, but which abound with useful and interesting information, both on the ancient laws,

and general government of Britain. To these works, which can be readily known and obtained, we must refer such readers as require a fuller and more minute knowledge of the subject.

The histories, chronicles, and statistics of France, relative to its ancient settlement and civilization, are highly interesting to political writers. The first work of any note is that of GREGORY OF TOURS. It holds an important position among the early records of the kingdom. The author was Bishop of Tours, and died in the year 593, at the comparatively early age of 54, after having filled his bishoprick for the space of twenty years. His "*Histoire Ecclesiastique des Francs*," is divided into ten books. The first contains an essay on ancient and universal history, in which may be found some very interesting accounts of the early establishment of the Christian system among the Gauls. This book brings down historical events to the death of St. Martin of Tours, in the year 397. The second book extends from the death of St. Martin, to Clovis I., or to the year 511. The third from the death of this king to the crowning of Theodebert of Austrasia, in 547. The fourth division embraces the period from the death of Theodebert, to that of Sigebert I., king of Austrasia, which took place in 575. The fifth book comprehends the first five years of the reign of Childebert II., the prince of Austrasia. The sixth, seventh, and eighth books contain matters connected with the reign and death of Chilperic, (584) and an account of a journey undertaken by his successor to the city of Orleans, in the month of July, 585; and terminate with the death of Leuvigild, king of Spain, in 586. The ninth book embraces other two years of historical

events; and the tenth, and last, ends with the death of St. Yrieix, Abbé of Limousin, in the month of August, 591.

The general politician will find many important statements and facts in this history of Gregory of Tours. It is almost the only work worth consulting on the Merovingian race of kings.*

The chief French Chronicles of the thirteenth century, are *Histoire de la Morée sous le Français de 1204 á 1318*—MUNTANER *Histoire des Catalans, de 1206 á 1322*—*Chronique de D'Esclot, en 12.*—In the fourteenth century we have *Chronique de JEAN BOUCQUANT*—*Chronique de DUGUESCLIN*—*D'ORONVILLE: Chronique de Louis de Bourbon*—*DE PISAN: Vie de Charles V.*—*JUVENAL DES URSINS: Chronique de Charles VI.*—*De Rochefort*, and *DE GAIAN: Chroniques*—*DEL VERMS: Chronique.*

We have in the fifteenth century, the "Chronicles" of Froissart, a native of Valenciennes, and a very learned man. He treats of the affairs of France, England, and Spain, from the year 1326 to 1400. He displays great industry in collecting, and a scrupulous attention to the admission of his facts.

The following works are also worthy of attention, in the political history of France, up to the fourteenth century. *Annals of D'Eginhard*;—his *Life of Charlemagne*—*Exploits and Deeds of Charlemagne*, by a monk of Saint Gall—*Life of Louis Debonnaire*, by Thegan—*History of the family dissensions among*

* There are two dissertations on the Life and Writings of Gregory of Tours; one contained in the 3rd volume of the *Histoire Littéraire de la France*, by the Benedictines; and the other inserted in the 26th volume of the *Collection des Mémoires de l'Académie des Inscriptions*.

the sons of Louis Debonnaire, by Nithard—Annals of Saint Bertin, and De Metz—Frodoad's History of the Cathedral of Rheims—Chronicle of Frodoard—Chronicle of Raoul Glaber—Chronicle of Huges de Fleury—History of the Monastery of Vezelai, by Huges de Poitiers—Life of Louis the Fat, by Segur—Life of Charles the Good, by Galbert—History of the Crusades, by Guibert de Nogent—Life of St. Bernard—Life of Phillip Augustus, by Rigord—Life of Louis VIII.—Chronicle of William of Naugis—History of the War with the Albigenses—Chronicle of William of Puy-Laurens—Exploits illustrative of the French nation, from the year 1200, to 1311—History of the Crusades, by William of Tyre—Memoirs of Robert the Monk—History of the Crusades, by William de Chartres—Life of William the Conqueror, by William of Poitiers. We may here apprise the reader, that all these works, and others not named, may be found in the Collection of Memoirs, relative to the History of France, from the foundation of the Monarchy to the thirteenth century, by M. Guizot, in thirty-one volumes, Paris, 1846.

The earliest written work on the customary laws of France, relative to feudal tenures, is that of Beam, which was confirmed by that of Viscount Gaston, in 1088. Next to this work, is the compilation of Beaumanoir, under Phillip III. which contains a great mass of curious information on feudal legislation. It was in the reign of Charles IX. that the most full and complete compilation was made on this subject.

The great historical work, relative to the public affairs and institutions of France, called *Ordannances des Rois*, in twenty-two volumes folio, is of inestimable

value to the general politician. These Ordinances commence at the year 1051, and terminate at 1497.

The old Chronicles of France are justly held in peculiar estimation, both on account of the information they contain, and the style and arrangement in which that information is conveyed. And the same remark is applicable to the general current of French histories. These have been so greatly multiplied in modern times, and so much industry and talent brought to bear upon them, that no political student can be at a loss for any information he may require on the general and civil polity of this portion of the European continent. It would, therefore, be an unnecessary task to pursue this branch of our subject further at the present moment.

The Chronicles and historical sketches of Spain and Portugal, are very numerous, but the great mass of them are more of a municipal, than of a national character. Still they are of importance to the philosophical politician. They may be readily found in all the ordinary emporiums of Spanish literature.

Italy likewise abounds with similar productions. Every thing connected with the early history of the Italian republican cities, and with the struggles of the Church, can be easily obtained. The general histories of this country, are highly interesting, and illustrative of many important epochs of political literature. Recordano Malaspini wrote a "History of Florence in 1281." Dino Campagni was the author of a "Chronicle," extending from 1280 to the year 1312. Giovanni Villani wrote a "History of Florence," from its origin to 1348. It was continued by his two

brothers to 1364. Andrea Dandolo's "History" embraces from 1307 to 1354.

One of the most valuable productions, in connexion with the doctrine of Theological authority, is the collection of *Papal Bulls*. These are published in eleven folio volumes, commencing with the pontificate of Leo the Great, to that of Benedict XIV.; that is from the year 461, to 1757.

There are many important and highly curious historical records of the early affairs of Holland and French-Flanders. The history of several of the Flemish cities is preserved with great minuteness and accuracy. We have an historical work written in the twelfth century, by Gaulbert, a notary of Bruges, who was an eye witness of, and a participator in the scenes and events which he relates. His treatise is very interesting upon the affairs of the communes or corporations of 'Ypres, Bruges, and Gand, from the eleventh to the twelfth century. He gives a vivid and faithful account of the domestic and social manners of the people, and of the extent and limits of civil and political liberty they at that period enjoyed.

We have in this work a striking instance of the degree of political power which the people enjoyed, in that famous declaration, respecting the election of a Count of Flanders, directed to the King of France, who claimed the right of election. The men of Ghent publicly assembled, sent the following message to the French Ambassadors; "Go and tell your master that he is perjured; that William of Normandy, his creature, has rendered himself unworthy to be a Count of Flanders, from his fiscal extortions, and want of

good faith ; and that we shall choose a Count ourselves. It is not for a king of France to find fault with this our determination, because it is only to us, the people and nobles of Flanders, to whom appertains the power of choosing our governors."

We learn from this ancient history, that a common bond of political relationship existed among all the provinces of the Netherlands, and for the mass of the people, a system of equal laws and privileges. Every thing was rendered conducive to the security of commerce, and the enjoyment of peace. A uniform and enlightened government rendered every civil association of men, a useful instrument for the attainment of liberty and the protection from oppression. The following is the form of the oath taken on the appointment of a Count :—

"I ——— swear to elect for Count of this country he who shall appear to be best qualified to govern the domains of the Counts his predecessors, and sustain his rights against the enemies of the country. Mild and benevolent towards the poor, religious, walking in the path of justice and right ; a man, in fact, who shall be able and willing to make himself generally useful to the state."

VAN MAERLAND, who flourished about the beginning of the thirteenth century, was the author of two works called "Rymbybel," and "Spiegel Historical," written in verse, which contain an immense mass of general information respecting the people of his own country and age, both in their social and political relations.

JEAN D'OULTREMEUSE, flourished about 1350, and was a native of Liege. He is the author of two works,

of a statistical or chronological character, written in verse. Although the poetry may be considered indifferent, yet the statements of national and contemporaneous events are faithfully given.

NICOLOS DE KLERK composed a rhyming chronicle, (1360,) of two thousand verses, on the expedition of Edward III., of England, into Flanders, commencing with his landing at Antwerp, until his return to his own country. This work has been published in Paris, (1841) with notes, by M. Octave Delepierre.

The *Chroniques des Flanders* of this century is likewise an interesting work.

There are other Chronicles of Belgium, of the early part of the thirteenth century, (1223) which give lively and interesting accounts of the sentiments of the people on political affairs. The power of Philip, King of France, was openly assailed by many of the Working men of Bruges, then a city of great trade, wealth, and public spirit. This anti-Gaulic feeling was guided in its chief movements by Pierre de Coninck, senior of the wool-workers, whose various adventures and political agitations, are recorded in the Chronicles of the day.

The following work is of inestimable value to the scientific politician, who wishes to be acquainted with the internal affairs of the German States, at the early periods of their history.

Monumenta Germaniae Historica inde ab anno Christi C, usque ad annum MC. auspiciis societatis aperiendis fontibus rerum germanicarum medii aevi edidit Dr. G. H. Pertz. Vols. I to X. (containing: Scriptores Vols. I. II. V to X. Leges vols. III. IV. Imp. Folio. (52 folio plates of facsimiles)

The first two volumes of the *Scriptores* contain the Carolingian historians of the 8th and 9th centuries particularly the numerous old minor Annals, also the Annals of Lorsch, Xanten, Fulda, those by Einhard, Bishop Prudentius, Archbishop Hincmar, the Chronicle of Regino, the *Casus Sancti Galli*, the lives of St. Boniface, Charlemagne, Louis the pious, St. Ansgar and other ecclesiastics,—the works of Nithard, Abbo, and others.—The third and fourth volumes embrace besides the Longobardo-Beneventan, and some other Italian records, the writers of the period of the Saxon Emperors, the Annals of Corvey, Quedlinburg, Hildesheim, Einsiedel, Augsburg, and Liege; the writings of Liudprand, Flodvard, Widukind, Richer and Thietmar; the Chronicles of Folcuin and of Ademar; the writings of Agius, Hrotsuitha, Alpert; the lives of Berengar, Queen Mathildis, Empress Adalheid, Henry II. and Kunigunda, the Archbishops Bruno and Heribert of Cologne, Duke Wenzel of Bohemia, Bishops of Oudalrich of Augsburg, the Gueph Counrad of Constance, Deoderich and Adalbert of Metz, Gerard of Tull, Wolfgang, of Ratisbon, Adalbert of Prague, Balderich of Liege, Bernward of Hildesheim, and many others.—The 3rd and 6th vol. contain the writings of the Salic period, among numerous others the Annals of Ottobeuren, Bamberg, Schaffhausen, Gengenbach, Treves, St. Amand, Ghent, Vormezeele, Dijon, Bari and those by Lupus Protospatarius, the Chronicles of Hermann, Lambert, Berthold, Bruno (*de bello Saxonico*) Bernold, Marianus, Ekkehard, Sigebert, and the Saxon Annalists.—The 7th volume contains *Johannis diaconi chronicon Venetum et Gradense; ex Rodulphi Glabri historiarum libris V.*;

chronicon Novaliciense; Herigeri et Anselmi gesta episcoporum Tungrensium Traiectensium et Leodiensium; ex chronico S. Benigni Divionensis; Gundechari liber pontificalis Eichstetensis cum continuationibus; Anonymus Haserensis de Episcopis Eichstetentibus; Adami gesta Hammaberginsis ecclesiae pontificum; chronicon breve Bremense; gesta episcoporum Cameracensium; chronicon S. Andreae castri Cameracesii; Leonis Marsicani et Petri diaconi chronica monasterii Casinensis; chronicon episcoporum Hildesheimensium cum continuationibus.—The 8th volume contains: Arnulfi gesta archiepp. Mediolanensium; Landulfi historia Mediolanensis; catalogus archiepp. Mediolanensium; gesta Treverorum cum pestis Godefridi et Alberonis archiepp.; Ruperti chronica S. Laurentii Leodiensis; Chronicon Hugonis, abbatis Flaviniacensis; vita Wieberti et gesta abbatum Gemblacensium auctoribus Sigeberto et Godescalo Gemblacensibus; chronicon S. Huberti Adaginensis; gesta episcoporum Tullensium.

The first volume of the *Leges* contains all the Capitularia of the Merovingians and the German, Italian, and French Carolingians; the second, the Laws of the Empire, treatises of peace and Acts of the Germanic Diet up to the year 1313.

The early Chronicles and historical records of the more northern parts of Europe—Norway, Sweden, and Denmark, are but scanty and little known. The *Icelandic Saga*, which dates about the sixth or seventh century, gives some useful information on the geography, and forms of government of Norway. The *Hervarar Saga* was written in the eighth century, and it likewise relates to Norwegian affairs. *Snorre*

Sturleson was a most able and distinguished historian, and wrote the history, *Herald Harfragre*, about the year 1213. Sweden was little better than a wilderness till after the eighth century. Several facts relative to the forms of the early government, may be found in the Saxon and German Chronicles. The Danish Chronicle called the *Knytlinga Saga* is the most ancient and important record of its early public affairs. It dates from about the eighth century.

As the main object of all political literature is, to promote a sound knowledge of our social relations, and, consequently, to extend our happiness, a somewhat natural question suggests itself, at this stage of our journey, what was the real political condition of the people of Europe, during those ages, embraced within the period of history we are now treating of, when the knowledge of general polity, as an instrument of popular instruction, was at such a low ebb? or, in other words, when mankind knew so little of the theory of politics, either from books or oral teaching, to what extent did this ignorance affect their social comforts or position in life? This, it must be admitted, is an easier question to ask, than to answer. The numerous and eager inquiries which have, in modern times, been instituted on the subject, and the diversified—nay, antagonistic conclusions which have resulted from them, offer decisive proof of the inherent difficulties of this general question. It is obvious, however, that the only answers which can be given to it, must be the result of carefully consulting such works, imperfect though they be, of which this chapter professes to treat. It is only by sedulously looking through them, collecting individual

facts, and drawing fair and rational inferences from them, that we can possibly arrive at any thing like accurate notions on the subject. Nay—it is scarcely pardonable to say that *accurate* notions can be obtained under any circumstances ; because the entire mass of materials which the understanding has here to deal with, is so variable, shifting, and imperfectly developed, that little more than a series of *guesses*, more or less probable, can be the natural result of the most careful and truth-seeking labours on the matter.

Questions as to the relative degrees of happiness and social comfort of different ages, are invariably viewed in an oblique and one-sided manner ; chiefly from the varied points of contemplation from which politicians take their departure. If a writer be deeply enamoured with the refinements and advances of his own times, he will look upon the rudeness and simplicity of by-gone days, with strong distaste and aversion. Others move upon the opposite tact. They consider every improvement or alteration, an evil, by making unfavourable inroads on that pure and unsophisticated enjoyment of life, in which they conceive, consists that Arcadian happiness—the perfection of all political wisdom and philosophy. They love to dwell upon the past ; and their lively imaginations are for ever instituting comparisons between the “good olden,” and the “flashy” modern times, and always to the disadvantage of the latter. These prejudices, more or less indulged in by all men, are the principal obstacles laying in the way of forming a sound judgment between one stage or epoch of history, and another.

What are commonly denominated the manners and

customs of nations, undergo great changes, and it seldom happens that the politician can draw any general and valuable conclusions from them, as to their real bearings on questions of social happiness, prosperity, and wealth. These manners and customs are of themselves, of too fleeting and changeable a nature, to be much relied on as supports of abstract principles of polity. But faithful and accurate statements as to the mode of life of various classes of a nation, are not without their use, in guiding the judgment on the ordinary currents of public affairs. But in recent times, philosophical inquirers have in some measure changed their ground, when aiming at the formation of estimates, as to the condition of the mass of the people in ancient times, by fixing attention on the circulating medium of different countries, at different periods of their history, and contrasting or comparing their conclusions on this matter, with the prices of ordinary labour and handicraft work. Such writers assume, that food, shelter, and raiment, are the great staples of human wants in all ages; and if a pretty accurate idea could be obtained of the quantity of money in circulation, at given times of history, we should be able to form more sound and correct opinions on the relative value between the wages of labour, the prices of, and the chief commodities which constitute the staples of social existence. Some interesting speculations and conclusions on the internal history of nations, have resulted from carefully instituted inquiries, founded upon this mode of proceeding.

The money affairs of most civilized nations have in recent times, engrossed a considerable share of

attention, and their connection, whether real or supposed, with the progressive movements of the body politic, have been pretty generally insisted on. There are but few materials for throwing any steady light upon the state of money matters, prior to the end of the fourteenth century, a period now under consideration. Such statements, facts, and opinions, as are serviceable for this purpose, are scanty in number, and widely scattered over chronicles and old histories, and are, moreover, but very imperfectly authenticated. It may, however, prove of use to throw a cursory glance over them. To enter fully into the subject, is beyond our limits—What we shall state, is merely to give something like a birds-eye view of some modern speculations on the subject; so that when the reader comes down to the period of history, when monetary theories and discussions assume a prominent position in political literature, he will not be altogether devoid of a knowledge of what has previously been advanced on the same subject, connected with the dark and middle ages of European civilization.

We find the use of the precious metals coeval with human society in all its civilized forms. The Scriptures abound with the earliest notices of them. Abraham had not only flocks and herds, male and female slaves, camels and asses, but likewise silver and gold. He purchased a burial place for four hundred shekels of silver. Jacob was largely provided with gold and silver; and when he had to send down to Egypt to purchase corn, the precious metals were the medium of communication and commerce. After the Exodus of the Israelites from Egypt, with Moses at their head, we find that the gold earrings of

the females were sufficient to form the *Golden calf*; and that the contributions levied upon the male part of the community, for ornamenting the temporary tabernacles in the wilderness, amounted to twenty-nine talents, and seven hundred and thirty shekels of *gold*; and one hundred talents, and one thousand seven hundred and seventy-five shekels of *silver*: a sum equal in our money to two hundred thousand pounds.

In the wars and conflicts which the Jews had with the nations that lay between the desert and the land of Canaan, they were very careful in preserving the gold and silver found among their heathen opponents. At Jericho, the precious metals were deposited in the public treasury. When Gideon defeated the Midianites, we find that he collected the earrings of the conquered, which amounted in value, to nearly five thousand pounds of our money. Whilst the people were under the government of the judges, the national stock of gold and silver considerably increased; as well as during the reigns of Saul and David. We find frequent mention made in the book of Kings of the gold of Ophir, a large amount of which was procured by Solomon for ornamenting the interior of the Temple at Jerusalem. It is said that "he overlaid the house within, with pure gold, and made a partition by the chains of gold before the oracle, and he overlaid the oracle with gold; and the whole house he overlaid with gold, till he had furnished the whole house; also the whole altar that was by the oracle he overlaid with gold."

It is impossible to judge, with any degree of plausibility of the amount of the precious metals among the

Grecian States. The statements of Herodotus, and other Greek writers, concerning the amount of gold and silver possessed by some individuals, are mixed up with so many improbable circumstances, that no conclusions can be fairly drawn from them. Croesus, King of Lydia, is represented as having a million and a half of our money. The same haziness hangs over the Roman monetary statistics. The vast conquests of the Roman people tended to draw into the public coffers great quantities of gold and silver, from all parts of the world. Plutarch tells us, that Seneca, the philosopher, died leaving two millions and a half sterling; and that the Emperor, Augustus, obtained by testamentary grants from his relations, the enormous sum of thirty-two millions of pounds of our money. It is said that silver was first coined in Rome in the year B.C. 266; and that it was 62 years after this before gold was coined in the same city.

The successful interprises of the Roman nation against other countries, continuing for many centuries with unabated ardour, had the natural tendency to draw increased wealth into its public coffers. The amount of taxes collected annually from the various provinces, at the time of Augustus, amounted, according to Gibbon, from fifteen to twenty million of our money. These taxes were a species of customs and excise; the former varying in value from ten to twelve per cent. upon imported goods from foreign countries; and the latter was an impost upon all sales of property, whether by auction or at public markets. Augustus also added to these a tax upon legacies and inheritances.

In the reign of Augustus, the Roman nation is sup-

posed to have been at the height of its prosperity and grandour. His own private riches received in the shape of legacies from friends, as just noticed, were immense; amounting, according to Suetonius, to nearly thirty-three millions of our money. His public revenues were also very considerable. From want of proper statistical documents, there is only conjecture to guide the politician in his inquiries on this subject. Some writers make the amount of Augustus' public income forty millions per annum of our money; upon the supposition, however, that the Roman pound weight was equal to the English troy pound of twelve ounces, and each ounce of silver worth five shillings; by this means making the Roman pound of silver equal to three pounds of our present money.

. Perhaps this estimate will not be considered too high when the extensive range of territory is taken into account, from whence this great impost was derived. Augustus drew vast treasures from Gaul. Spain, also, was laid under contribution; and the revenues locked up in the cities of Saragossa and Merida. Egypt, Carthage, and other parts of Africa, contributed to fill the coffers of the Roman treasury. The territories of Asia Minor, Armenia, Syria, Judea, Misapotamia, and Media, were placed under tribute; and these being countries naturally abounding with all the materials which constitute real national wealth, were, in point of revenue, the most lucrative of the dependent states of Rome. Gibbon gives us a vivid description of these Asiatic provinces, previous to the foundation of Byzantium by Constantine. "The provinces of the east," says he, "present the contrast of Roman magnificence with Turkish barbarism. The

ruins of antiquity scattered over uncultivated fields, and ascribed by ignorance to the power of magic, scarcely afford a shelter to the oppressed peasant or wandering Arab. Under the reign of the Cæsars the proper Asia alone contained five hundred populous cities, enriched with all the gifts of nature and adorned with all the refinements of art. Eleven cities of Asia had once disputed the honour of dedicating a temple to Tiberius, and their respective merits were examined by the Senate. Four of them were immediately rejected as unequal to the burden; and among these was Laodicea, whose splendour is still displayed in its ruins. Laodicea collected very considerable revenues from its flocks of sheep, celebrated for the fineness of their wool, and had received, a little before the contest, a legacy of above four hundred thousand pounds by the testament of a generous citizen. If such was the poverty of Laodicea, what must have been the wealth of those cities, whose claim appeared preferable, and particularly of Pergamus, of Smyrna, and Ephesus, who so long disputed with each other the titular primacy of Asia? The capitals of Syria and Egypt held a still superior rank in the empire. Antioch and Alexandria looked down with disdain on a crowd of dependant cities, and yielded with reluctance to the Majesty of Rome itself."

Besides these fruitful provinces in the East, we must also include those of Greece, Illyricum, Dacia, and Pannonia, from each of which considerable tribute was exacted. And if we look at Italy, itself, containing within its own proper boundaries, eleven hundred and ninety-seven cities, exclusive of the islands of the Mediterranean, and Archipelago, we cannot be sur-

prised at the great estimate of the annual imperial revenue, both in the reign of Augustus, and for three or four centuries after his time.

The quantity of gold and silver money in general circulation, in the reign of Augustus, has long been a subject of speculation and conjecture among political economists. Taking into consideration the great extent of territory comprehended under the Roman dynasty at this period, and the estimated annual income of the state, the amount of money in general use has been calculated at 1,000,000,000. This estimate is undoubtedly a high one; but, perhaps, it is as near an approximation to the truth, as the circumstances of the case will warrant.

In succeeding centuries the amount of this general circulating medium must have been considerably lessened; principally from two causes; namely, the diminution of the precious metals produced from the working of the mines, and the wear and tear of the gold and silver already in circulation.

For some considerable time before the accession of Augustus to imperial power, the mines had been taken from the management of private individuals, and placed under the controul and superintendence of officers of state. This new arrangement had some advantages; but the severity and oppression which were inflicted upon the slaves who laboured in the mines, became gradually so onerous, that human nature revolted from the burden, and many fled to other countries to endeavour to better their hard lot. Most severe regulations were required to check this dissipation. In the mining districts one half of the inhabitants were only originally required to work in the mines;

but we find, from the Theodocian code, that, afterwards, all the children of these miners were commanded to devote their whole labour to this servile and exhausting occupation.

The productiveness of the mines was also greatly diminished by the gradual abolition of slavery throughout the Roman states. Many rich mining districts were entirely abandoned from the want of the requisite portion of manual labour. The superintendence of the mines by public officers became also inefficient and careless. From these, and other causes, the mines of Spain were given up, and those of Illyria, Dalmatia, and Thrace, soon followed the same fate. The mining operations throughout the whole of the Roman Empire had entirely ceased, at the termination of the fifth century.

It may be considered worthy of remark here, that the reduction in the prices of commodities might have been greatly retarded by a practice which became very general after the time of Augustus, namely, that of debasing the coin. This was proceeded in to a vast extent. In the cabinet of medals in Paris, many may be seen only with a slight coating of silver over copper or brass. The coined money of Caracalla is found to be more than half of it base metal; and that of Alexander Severus contains two-thirds of copper; and the money of Gallien is only brass washed with silver.

A curious and important document has been made public by Mr. Banks, which contains a tariff of prices in the reign of the Emperor Diocletian, in the year 301; a period which immediately followed the great debasement of the standard. The whole document contains a catalogue of nearly four hundred articles,

with the prices at which they could be legally sold.
The following is a selection.

Oil of the first quality,per pint...	0	17	6
Oil of the second qualitydo.....	0	10	6
Oil of Coleseeddo.....	0	3	6
Honey, the bestdo.....	0	17	6
Ditto, second qualitydo.....	0	8	0
Porkper Italian lb.	0	10	6
Beef.....do.....	0	7	0
Goats flesh, or muttondo.....	0	7	0
A fattened cock Pheasant.....per head	7	19	0
A wild cock Pheasant.....do...	4	16	0
A fat Goosedo...	6	2	0
A Goose not fatteneddo...	3	1	0
Wild Boars' flesh.....per Roman lb.	0	8	9
Stags' fleshdo.....	0	6	7
Flesh of the Buck, Doe, or Roe.....do.....	0	6	7
Bntterdo.....	0	7	6
Sea-fish of the best quality, from deep waterper lb.	0	10	6
Second rate Fish.....do...	0	7	6
Best River Fishdo...	0	5	3
Second rate River Fishdo...	0	3	9
Dry Cheesedo...	0	5	3
Artichokes of the larger sort,five for	0	6	6
Lettuces, the bestfive for	0	2	5
Ditto, second qualityten for	0	2	5
Cauliflowers, the bestfive for	0	2	5
Ditto, second rateten for	0	2	5
Green Onions, the besttwenty-five for	0	2	5
Ditto, second ratefifty for	0	2	5
Cucumbers, the best.....ten for	0	2	5
Ditto, second qualitytwenty for	0	2	5
Melons, largetwo for	0	2	5
Ditto, second ratefour for	0	2	5
Applesforty for	0	2	5

Pomegranates, the largest	ten for	0	4	10
Ditto, the small	twenty for	0	4	10
A Citron of the largest size		0	16	0
One of a second rate		0	10	6
Dried Figs	twenty-five for	0	2	5
Plums from the Mountains of Damascus	eight for	0	2	5
Quinces	ten for	0	2	5
Ditto, second rate	twenty for	0	2	5
Agricultural Labourers	per day	0	15	10
Stone Masons	do...	1	11	8
Labourers of inside work in houses	do...	1	11	8
Work in Marble or Mosaic.....	do...	1	18	2
Wall Painter	do...	2	5	6
Figure Painter	do...	4	16	6
Shipwright in Sea Vessels	do...	1	18	2
Ditto in River Vessels	do...	1	11	8
The driver of a Mule, with food.....	do...	0	15	10
Brazier, for his work in brass	per lb.	0	5	3
Ditto, for his work in copper	do...	0	3	10
For a hooded Cloak.....	do...	0	13	2
For Breeches	do...	0	13	2
For Hose or Stockings	do...	0	2	5
For the Master appointed to teach letters, for each boy per month		1	11	8
For the Arithmetician, for each boy	do...	2	7	3
For the Greek and Latin Grammar for each pupil, do...		6	8	8
To the advocate or lawyer, for an application to court ...		6	8	8
At hearing the cause		32	6	0
An Ox hide prepared for soling boots and shoes, and for making straps and harness.....		19	7	6
A Beaver's skin		3	4	4
A Leopard's or Lion's skin.....		32	6	0
The same made up.....		40	8	0
Boots, for Muleteers or Labourers, of the best kind, without nails		3	17	6
Military boots, without nails		3	4	6
Ditto for the Equestrian order		2	6	6
Women's Boots		1	19	0

Millet, whole	per English peck	1	12	0
Ditto, bruised	do.....	3	4	0
Beans, whole	do.....	1	18	6
Ditto, bruised	do.....	3	4	0
Lentils.....	do.....	3	4	9
Pease, whole	do.....	1	18	6
Ditto, bruised	do.....	3	4	0
Oats.....	do.....	0	19	9
Old Wine of the best quality	per English pint	0	10	0
Ditto, of secondary quality.....	do.....	0	6	8
Rustic Wine	do.....	0	3	4
Beer, called <i>Camus</i>	do.....	0	1	8
Egyptian Beer.....	do.....	0	0	10

There are two historical events which have been cited as conclusive evidence, that a very great diminution had taken place in the amount of the precious metals, in the fourth and fifth centuries. When Alaric, the King of the Goths, made an irruption into Italy, and laid siege to the imperial city itself, he was induced to abandon the enterprise upon the immediate payment of five thousand pounds of gold, thirty thousand pounds of silver, four thousand robes of silk, three thousand pieces of scarlet cloth, and three thousand pounds weight of pepper. These amounted to the sum of two hundred and ninety thousand pounds of our money. This was a very insignificant sum compared with the former riches and splendour of the mistress of the world.

The next circumstance indicative of decreasing capital, is that which relates to Attila, the leader of the Huns. He appeared before Constantinople, and Theodosius the Emperor, had to crave his clemency upon very humiliating conditions. Mr. Gibbon says, "the Emperor of the East resigned, by an express

or tacit convention, an extensive and important territory, which stretched along the Southern banks of the Danube, from Singidunum or Belgrade, as far as Novæ, in the Diocess of Thrace. The King of the Huns required and obtained that his tribute or subsidy should be augmented from seven hundred pounds of gold, (£28,000) to the annual sum of two thousand one hundred pounds, (£84,000) and he stipulated the immediate payment of six thousand pounds of gold, (£240,000) to defray the expenses, or to expiate the guilt of the war.

“One might imagine that such a demand, which scarcely equalled the measure of private wealth, would have been readily discharged by the opulent Empire of the East; and the public distress affords a remarkable proof of the impoverished, or at least the disorderly state of the finances. The immediate supplies had been exhausted by the unforeseen necessity of military preparations. A personal contribution, vigorously, but capriciously imposed on the members of the Senatarian order, was the only expedient that could disarm, without loss of time, the impatient avarice of Attila; and the poverty of the nobles compelled them to adopt the scandalous resource of exposing to public auction, the jewels of their wives, and the hereditary ornaments of their palaces.”

There can be little doubt but a great diminution of money took place all over the civilised world, from the time of Constantine, till the reign of William the Conqueror. We are not able to trace the various steps of depression one by one; but a few insulated facts, scattered over a wide period of time, will enable us to prove that this conclusion is established on as

good a portion of evidence, as the nature of the subject will admit.

The general opinion seems to be, that during the period of the Saxon heptarchy, the scarcity of money and the depression of prices, were the greatest in the western parts of Europe. The Romans had carried off every thing in Britain and Gaul, in the shape of gold and silver. In the former country in particular, money was so scarce, that the Saxon writers tell us that *living money* had to be established as legal payments. "This," says Henry, "consisted of slaves and cattle of all kinds, which had a value set upon them by law, at which they passed current in the payment of debts, and the purchase of commodities of all kinds, and supplied the deficiency of money, properly so called. Thus, for example, when a person owed another a certain sum of money, for which he had not a sufficient quantity of coin to pay, he supplied the deficiency by giving a certain number of slaves, horses, cows, or sheep, at the rate set upon them by law; when they passed for money to make up the sum. All kinds of mulcts imposed by the state, or penances by the church, might have been paid either in dead or living money, as was most convenient; with this single exception, that the church, designing to discourage slavery, refused to accept slaves as money in the payment of penances. In those parts of Britain where coins were very scarce, almost all debts were paid and purchases made with living money. This was so much the case both in Scotland and Wales, that it is much doubted if any coins were struck in those countries in the Saxon period."

Alfred the Great was said to be one of the most

wealthy princes of his age, yet he was able only to bequeath to each of his sons fourteen hundred pounds, and to each of his daughters two hundred and eighty pounds.

In Dr. Henry's History of England a quotation is made from Dr. Wilkins "Leges Saxonica," of the prices of various articles in the reign of Ethelred, in the year 997. A few of these are here specified.

Price of a Man or Slave	£2	16	3
" a Horse	1	15	2
" a Mare or Colt	1	3	5
" an Ass or Mule	0	14	1
" an Ox	0	7	0½
" a Cow	0	6	2
" a Swine	0	1	10½
" a Sheep	0	1	2
" a Goat	0	0	4½*

The decrease of the precious metals, by what is termed *abrasion*, or their wear and tear, in circulation, is a matter of difficult calculation. The data on which estimates on this subject have been made are, in a great measure, suppositious and arbitrary. Upon the assumed principle that the loss of gold and silver from wear, proceeds at the rate of one part in three hundred and sixty annually, the following table is constructed, which shows the decrease of the public money from the time of Augustus, in the year 14, in the christian era, to the beginning of the ninth century.

In the year 14 the gold and silver amounted to	£358,000,000
Deducting 10 per cent. for wear, their would be	
in the year 50.....	322,200,000
" 86.....	287,980,000
" 122.....	259,182,000

* Jacob on the Precious Metals.

In the year	158.....	233,263,800
"	194.....	209,127,420
"	230.....	181,943,678
"	266.....	163,749,311
"	302.....	147,374,380
"	338.....	132,636,942
"	374.....	119,373,248
"	410.....	107,435,924
"	446.....	96,692,332
"	482.....	87,033,099
"	518.....	78,229,700
"	554.....	70,406,730
"	590.....	63,364,057
"	626.....	57,027,652
"	662.....	46,192,399
"	734.....	41,573,160
"	770.....	37,415,840
"	806.....	33,674,256

The natural consequence of this gradual, but great reduction in the quantity of money in general circulation, would be a very marked reduction in the prices of all commodities. But writers on this subject have not been very successful in establishing this connection between cause and effect. It has been maintained, however, that though the public statistical records are few and obscure, yet the scattered facts which are well ascertained, go to prove, that a considerable depression in prices did follow the different epochs of decline, in the amount of the circulating medium.

From the time of the Norman conquest, and for the three following centuries, there seems to have been a gradual increase of gold and silver in England, and in all the other trading countries in Europe; but this increase was not of any great or marked extent. Up to the end of the fourteenth century, money must have been of comparatively high value, when we read, in

an historian of these times, that a magistrate, in one of the counties of England "was rich, having an estate which was reckoned worth one hundred and fifty pounds a year." Matthew Paris tells us, (1244,) "this was so fruitful a year, that a quarter of wheat was sold for two shillings."

On the vital question of money, or national currency, we have thus touched very slightly upon its prominent points, as they are developed in the series of political publications treated of in this chapter. On two or three other matters, more directly arising out of the social and domestic condition of the mass of the people, we shall just give a passing glance, without aiming at anything more than merely offering a few suggestive hints to those who may feel a particular interest in these important, though more practical and subordinate disquisitions of political science.

The rights of the poor were, in a certain manner, recognized before the termination of the fourteenth century. We owe this recognition chiefly to the influence of the Christian Church. At the commencement of the fourth century, a regular distribution of the property of the church took place. Pope Silvester ordered that one part of it should be assigned to the bishop for his support; another part to the priests and deacons, and clergy in general; a third part to the reparation of the church; and the fourth *to the poor, the sick, and the stranger*. The same plan was directed to be followed by Pope Simplicius, in his decretal epistle to the bishops Florentinus, Equitius, and Severus, who lived about the end of the fifth century. Pope Gregory likewise sanctions this mode of appropriating church property. In answer

to St. Augustine, who inquired, "How should the oblations which the faithful bring to the altar be divided?" The Pope replies, that it is the common custom of the Apostolic See to charge bishops, when they are ordained, that the whole income be divided into four parts; the first for the bishop and his family; the second for the clergy; the third for the poor; and the fourth for repairing the churches." *

In later times, the church still kept the rights of the poor in view. The 24 of Elfric says, "Let the priests set apart the first share for the building and ornaments of the church; *let them distribute the second to the poor and the strangers, with their own hands, in mercy and humility.*" In the "Mirror of Justices," a work which dates before the Norman Conquest, says, that "It was ordained that the poor should be sustained by *Parsons*, by *Rectors* of the church, and by the *Parishioners*, so that *none of them die for want of maintenance.*" And in 1838, we have a parliamentary act, "that a convenient sum shall be paid and distributed yearly out of the fruits and profits of the several churches, by those who shall have the said churches in proper use, and by their successors, *to the poor parishioners in aid of their living and sustenance for ever.*"

The chronicles and histories enumerated in this chapter, treat of a class of social institutions, which had a considerable effect upon the domestic comfort of the bulk of the people, who lived in cities and small towns; namely, the *guilds* and *fraternities* of workmen and artizans. These societies were originally both of a religious and civil nature, were of great

* Bede. Eccl. Hist. b. 3. c. 23.

antiquity, and were very numerous in every country in Europe. They had a direct and manifest tendency to diffuse and strengthen feelings of sympathy and friendship among the various orders of men, and to give a unity of action to their mutual endeavours to rectify public abuses, and to resist individual cases of cruelty, and oppression. These guilds were certainly instruments of social and political progress in this day.*

As we have noticed, the great question as to the amount of the *materiel* of social and domestic happiness diffused throughout the early communities of European civilization, in the several stages of their development, is one upon which we have very diversified and incongruous opinions and statements. We have naturally an ardent desire to lift up the curtain which the oblivion of ages has thrown over the condition and movements of innumerable generations of our fellow-men, and to scan in the past their active state, and the workings of their respective political systems, and schemes of policy, so far as they manifested themselves in the hearths and homes of the people. But this high privilege is beyond our reach; and all we can do is, to take our stand upon such general conclusions, and well weighed opinions, as candid and enlightened inquirers have fully established. Philosophical and antiquarian niceties, must be here laid aside. On this question, Mr. Hallam very sensibly remarks, "This, like many others relating to the progress of society, is a very obscure inquiry. We can trace the pedigree of princes, fill up the catalogue of towns besieged and provinces desolated, describe even the whole pageantry of coronations and festivals, but we

* See Dugdale's *Monasticon*, and Wilkin's *Leges Saxonica*, on this subject.

cannot recover the genuine history of mankind. It has passed away with slight and partial notice by contemporary writers; and our most patient industry can hardly at present, put together enough of the fragments, to suggest a tolerably clear representation of ancient manners and social life." *

There is one author who flourished a very short time after the termination of the fourteenth century, (1442,) who has furnished us with an account of the relative state of the mass of the labouring people in France and in England. Sir John Fortesque was a man of great intelligence, and had ample opportunities of forming a sound judgment on the matters on which he descants. He seems to have come to the conclusion, from well ascertained facts, that the generality of the labouring population in France, lived in a much more wretched style, than the same class of people in his own country. He dwells upon this topic at some length; and then points out, by way of contrast, some of the leading features which characterised English society, to show how far superior their social, political, and domestic condition was, to that of their neighbours. He says, "The King of England cannot alter the laws, or make new ones, without the express consent of the whole kingdom in Parliament assembled. Every inhabitant is at his liberty, fully to use and enjoy whatever his farm produceth, the fruits of the earth, the increase of his flock, and the like; all the improvements he makes, whether by his own proper industry, or of those he retains in his service, are his own, to use and enjoy, without the let, interruption, or denial of any. If

* Middle Ages, vol. 2.

he be in any wise injured or oppressed, he shall have his amends and satisfactions against the party offending. Hence it is that the inhabitants are *rich in gold and silver*, and in all the necessities and conveniences of life. *They drank no water*, unless at certain times, upon a *religious score*, and by way of doing penance. *They are fed in great abundance, with all sorts of flesh and fish, of which they have plenty everywhere*; they are clothed throughout in *good woollens*; their bedding and other furniture in their houses, are of wool, and that *in great store*. They are also well provided with all other sorts of household goods and necessary implements for husbandry. Every one according to his work, *hath all things which conduce to make life easy and happy.*" *

We shall conclude these remarks on this division of our subject, with a few observations from the pen of Mr. Hallam, who has devoted much time and learning to this interesting, but difficult inquiry. He remarks, "There is one very unpleasing remark which every one who attends to the subject of prices, will be induced to make, that the labouring classes, especially those engaged in agriculture, were better provided with the means of subsistence, in the reign of Edward III. or of Henry VI. than they are at present. In the fourteenth century, Sir John Cullum observes, a harvest man had four pence a day, which enabled him in a week, to buy a comb of wheat; but to buy a comb of wheat, a man must now (1784) work ten or twelve days. So, under Henry VI., if

* "The passages in Fortesque, which bear on his favourite theme, the liberty and consequent happiness of the English, are very important; and triumphantly refute those superficial writers who would make us believe that they were a set of beggarly slaves." *Hallam*.

meat was at a farthing a pound, which I suppose was about the truth, a labourer earning three pence a day, or eighteen pence in the week, could buy a bushel of wheat at six shillings the quarter, and twenty four pounds of meat for his family. A labourer at present, earning twelve shillings a week, can only buy half a bushel of wheat, at eighty shillings the quarter, and twelve pounds of meat, at seven pence. * * * I should find it difficult to resist the conclusion, that however the labourer has derived benefit from the cheapness of manufactured commodities, and from many inventions of common utility, he is much inferior in ability, to support a family to his ancestors three or four centuries ago." *

* Middle Ages, vol. 2. p. 483.

. As purely historical events and details exercise a great influence over judgments on political principles, at particular epochs of time, the reader will find, in Note D., at the end of the volume, chronological tables appertaining to civil, ecclesiastical, political, and literary subjects, from the christian era till the end of the fourteenth century. These, it is hoped, will afford a more copious range of reference than could possibly be given in the body of the present volume.

CHAPTER XXI.

CONCLUDING OBSERVATIONS.

THE period of time, nearly two thousand years, we have travelled, or rather run over, calls for a retrospective glance, in order to keep its leading political phenomena in view, and to fix in the mind some of these obvious reflections which it is fitted to suggest. When great portions of time get broken and scattered in their contemplation, the understanding becomes bewildered, and unable to realise their united results, or relative bearings on each other. It is often, in this way, that we form erroneous conclusions; and we are more apt to do so on political subjects, than on any other branch of human knowledge and inquiry. In the public movements of nations, extending over many centuries, the most we are commonly able to do, is to recognise those great and violent contests and struggles for power and existence, which fill up the foreground of history; while the more hidden influence which general abstract principles of knowledge and improvement exercise on the masses of the people, is thrown comparatively into the back-ground, and requires great labour, and concentrated attention to bring it to light.

As far back as the history of our race can carry us, we have two distinct, though not contrary, sources of political information;—the inspired books of Scripture, and the natural suggestions of human reason, embodied in the literature of ancient Greece and Rome. The former was for long confined to a narrow geographical sphere, and to a peculiar people; and the latter constitutes the united results of more widely disseminated opinions and judgments. They ran, for many centuries, a parallel course to each other; but by a succession of particularly important events, they were destined to long and bitter mutual conflicts, and ultimately to a formal and conditional amalgamation and harmony.

The political literature of the scriptures comprises in its vast range of subjects, great principles of polity, and but few matters of detail, as to the precise mode in which these principles are to be carried out, or to the extent to which they may be applied to the diversified condition and circumstances of mankind. On this point we need not, after what has been said in preceding parts of this volume, enlarge at the present moment.

The political science of Greece, in its earliest manifestations, solicits our attention through the hazy and mythological drapery in which it is enveloped. Unlike the Scriptures, it comes to us in no clearly defined and enunciated principles, which the mind can seize and comprehend in a moment, and which arouse the entire sympathies of the human soul; but its truths reach us through the faint whispers of intellectual feebleness, hesitation, and doubt. The ancient politicians of Greece, for some centuries, contented them-

selves with mere hints and surmises of great doctrines. No grand fundamental maxims of state policy are embodied in their writings and public teachings. They wander through the mazes of mythology and cosmogony without a single enlightened principle to guide their thoughts, or to direct them into rational and beneficial channels. The sound and general axioms of a social confederacy, were buried under a load of fanciful and extravagant speculation ; and, in the race of conjecture, one politician after another, strove to upset the system of his predecessor or rival. Thus it was, that in this speculative tumult, the most common-place principles of political knowledge, were overlooked and disregarded.

We here recognise a wide diversity between the Spartans and the Athenians. In the modes of thought, public institutions, and social customs of the Spartans, we see an undue influence given to the animal parts of our nature. Their grand principle of political regeneration and improvement was *action*. Bodily strength, courage, craft, and hardy endurance, were the instruments to uphold the stern and uncompromising maxims of their government. Literature, art, and science, they despised. They had no written law, no money, no commerce. Neither material nor intellectual luxuries were permitted. They made no political progress, nor did they cultivate any talents save those of warfare. Had it not been for the mental genius and cultivation of their neighbours, the very name of the Spartan nation would have been blotted from the page of history. The Athenians present an altogether different picture. They cultivated and cherished an unlimited freedom of thought, and allowed

the human faculties the widest range of speculation. They cultivated every department of human knowledge calculated to refine and adorn the citizen of the republic. They have left glorious and imperishable monuments of their mental capabilities. They scattered in every direction the seeds of civilization and improvement, and redeemed the world from the grossest barbarism.

The science of general polity moved onward, and obtained something like a solid footing, Plato and Aristotle arose, and gave method and consistency to the scattered political opinions and judgments of others. They imparted to them a scientific unity they had not hitherto possessed. Rome, amid her foreign wars and conquests, and domestic factions, listened to the Grecian sages, and profited by their doctrines. Her theoretical and philosophical thinkers added their mite to the common stock of sound and useful knowledge; and the eloquence and literary reputation of Cicero, were made to bear on the interests of social science, and the practical views of general statesmanship. Here we can distinctly trace the line of progressive improvement of the human mind, although often obscured amid the intellectual and moral darkness in which it was enveloped.

The entire mass of ancient political writing and speculation had not, however, succeeded in forming anything like the instrument we now call *public feeling*. It had made no visible impression—no impression that seemed to carry the principle of perpetuity with it—on the minds of succeeding generations of thinkers. Public opinion might be occasionally directed in the ancient republics to a particular political grievance,

but the step gained in advance was soon lost again, and it relapsed into its primitive state of apathy and ignorance. It could never be sustained, or trained to combined and continuous action. The peculiar construction of these early commonwealths, the state of parties and factions, and the utter want of any elementary and elevated conceptions of politics as a science, among the mass of the people, rendered the efforts of political authors comparatively nugatory, either for the solid extension of theoretical information, or for the everyday guidance and direction of public affairs. .

But a brighter era was at hand. Christianity was pregnant with important principles of politics and legislation. It placed human nature under a novel and interesting point of view. Man was a composite creature, made up of body and soul ; and to sustain both, there must be spiritual as well as temporal means of support, and both elements must be united in given and definite proportions. To perfect his individual and temporal nature—to give him a home, and surround it, in some degree, with worldly comforts, and the endearing and social ties of kindred, was to make him a good and useful citizen, and to promote the great ends of political progression. This was a piece of cardinal philosophy embodied in the sacred writings. The improvement of man as an individual, and man as a member of a community, must go hand in hand ; for we can no more rear humane and beneficial schemes of civil polity upon ignorance, misery, poverty, and debasement, than we can rear the fruits of the tropics on the floating iceberg. Man, therefore, must be knit to man ; each must be placed on the common platform of civil life ; and be considered equal in point of

liberty, and the rights and privileges of justice and equity. These are the fundamental principles of christian politics.

These novel and serious truths soon found enlightened men to unfold and propagate them. Though more directly engaged in the dissemination of spiritual than of the temporal doctrines of the bible, yet they found that both were so intimately bound up together in the human constitution, and in all the relations of society, and both were so directly taught and enforced by the great author of their system, that to make any essential difference between them, would be to defeat altogether the chief end they had in view, the happiness of men, in time and eternity. The fathers of the church, therefore, became politicians, both from principle and expediency. But their knowledge of political science, in all its breadth and comprehension, was limited and imperfect. They had a huge and inexorable system of civil oppression to contend and battle with; and their mode of warfare was more of a defensive than offensive character. By dint, however, of perseverance, courage, talent, and eloquence, they drew the attention of rulers to the great principles of justice and equity, and gradually succeeded in infusing a milder spirit into systems of legislation, and of elevating the depressed part of mankind to something like social and intellectual liberty and independence.

In the formal union of the christian with the heathen element of civilization and political science, under the reign of Constantine the Great, new social and public principles were evolved, and the sphere of the speculative thinker, on the relations of civil society, was

considerably enlarged. Clerical power and influence gradually increased, and were made to bear more directly and efficaciously on flagrant violations of the maxims of humanity and justice. The bulk of the people obtained some degree of shelter from oppression, and became daily more under the control of moral, social, and religious habits and opinions. Their duties as citizens of the state were better defined and understood, and discharged with more heart and cheerfulness. Faint gleams of personal independence, and political freedom, penetrated, here and there, the dense mass of ignorance and violence, which enveloped, as with a thick mantle, the entire surface of society. The still small voice of civil and political sympathy was occasionally heard, amid the councils of the church, the angry theological controversies of the times, and even in the fierce and cruel persecutions, which lawless power and bigotry instituted, at various times, with satanic pertinacity. The energetic pens of the learned and eloquent Fathers of the Church were directed, in their several localities and ages, to soften the wrath of persecutors, and to improve and liberalise the respective governments of the day. These several clerical appeals form the first rudiments of christian political literature.

Rome, long mistress and tyrant of the world, fell a prey to the successive inroads of barbarian invaders. A new element was here again mingled with the christian and heathen systems of polity. These bold and adventurous tribes brought with them, out of the forests and morasses of their respective countries, a wild and unconquerable love of personal liberty; and whether in the capacity of masters or dependants, they

imparted to the spirit of the times, no small portion of practical independence and power, and gave fresh vigour to the intellectual and social energies of the mass of the people. Their several codes of law were, one after the other, amalgamated with the legal system and institutions of Rome, and with the general maxims which christianity had successfully established, at this period, as landmarks and guides in the science of legislation and government. A broader platform was, by these, in concurrence with other minor influences and circumstances, raised for the exhibition of popular right and opinion; and, here and there,—on the judicial bench, as well as in the prelatical gatherings and writings of the clergy, we may trace out the plain and unqualified recognition of many important truths, connected with the political happiness and welfare of mankind in after ages.

The influence which the church acquired, though by slow and imperceptible degrees, became in the course of centuries, the chief political agent in society, and the promulgator of some decrees hostile to the very liberty and freedom for which she so courageously and successfully struggled, in the early days of her history. She became a slave to ambition and the love of dominion, and aimed at supreme and irresponsible power over kings and rulers, and all legislative assemblies. We have seen some of the various phases which this inordinate love of authority assumed in its progress to absolute sway over the conduct and minds of men; and cannot but sincerely regret that such untenable political views should have been entertained by a body of men, so peculiarly called upon to pursue more rational and independent measures. But such is the

lamentable fact, which history tells with a thousand tongues. As a set-off, however, in some degree for the absurdity and tyranny of papal power, we must give the church credit for many important civil and legal reforms, which she effectively made during the centuries she was battling, might and main, for undivided supremacy. These reforms relate chiefly to the treatment of slaves, the laws of marriage, divorce, legal rights of children and females; and other matters of vital moment to the interests of society generally.*

We find other influences besides those of a purely abstract and speculative cast, which the church wielded in its struggles with the temporal power of states, arising from external and material causes and circumstances, greatly affecting the current of public opinion on question of right and justice, and the common principles of citizenship. We have the feudal system in all its stages of progression, fixing and defining the tenures of property in every kingdom in Europe, and determining the share of public independence and freedom, which every inhabitant is entitled to enjoy. This was a mighty engine both for good and for ill. Then again we have the crusades, which proved, on the whole, favourable to the extension of knowledge, and the progress of liberal sentiment and opinion. Chivalry came with its soft blandishments, tournaments, and etiquette, and rubbed off much of the boorish violence and rudeness of the

* In reference to these times, a distinguished French historian remarks that "temporal power was mere brute force, intractable ruffianism. The church, on the contrary, however imperfect its notions of morals and of justice might have been, was still infinitely superior to such a government; and the cry of the populace was continually raised, beseeching it to separate the dominant power."—*Guizot*.

times ; and gradually paved the way for a general amenity and refinement of manners and deportment. Free cities were multiplied in almost every section of Europe, and their respective charters imparted a love of freedom among the busy hives of artistic and manufacturing industry and skill. Out of these several social institutions, all of which took their rise from accidental causes, or temporary schemes of expediency, there arose a vast number of political questions, which have not only served numerous politicians with topics of discussion, but have thrown no small portion of light upon some of the most profound and difficult problems of political science, in its most comprehensive signification and practical bearings.

We see politics treated of in a scientific, though circumscribed manner, by the scholastic thinkers. The more important and comprehensive principles connected with the science of government, the origin of society, and the obligations and authority of laws, are here gravely and methodically handled and systematised. Here, likewise, we recognise the fact of progression ; for in the early discussions of the schoolmen on political topics, they display but a shallow knowledge of even common and elementary principles ; but we find, that in proportion as their general stock of information increased, they took a wider range of inquiry, and obtained a deeper and more concentrated insight into the social sentiments and feelings of mankind. Considering that they were the recognised guardians of all knowledge worthy of the name, and the only active and efficient instruments in conferring a regular and academical education, their speculations

on government matters, brief and limited though they be, preserved an acquaintance, in high and influential quarters, with the leading elements of political science. The narrow views, and formal discussions of the scholastics, though they, in one sense, cramped the native energies of the human understanding in the pursuit of political information, yet, in another, their learned doctors served as valuable bulwarks against the entire dissipation of the more cardinal portions of the philosophy of civil law and social polity.

One of the chief advantages which the scholastic doctors conferred on political literature, was, their constantly connecting it with the principles of moral science. Politics were embodied in all their formal and methodical treatises of moral evidence and obligation. They imparted a philosophical dignity to the art of government. And it must be remembered that, in the scholastic ages, the learned doctors had a complete monopoly of everything in the shape of education and knowledge, and it was only through them, that the general current of public thought could be approached and acted upon. That the study of moral philosophy in these times, had led to powerful political action, through the ordinary channels of academical tuition, is a matter of which there can be no doubt; for we find in all the leading publications which made their appearance at, or soon after the Reformation, and which treated of the abstract nature of civil polity and government, that their authors invariably appeal to the scholastic doctors as authorities on the subjects under discussion. And we likewise find, that such was the political influence of the mode of teaching political doctrines through the medium of

disquisitions on moral evidence and rules, adapted by scholastic writers, that about the middle of the fourteenth century, one of the Kings of Spain caused his prime minister to send a circular to the heads of all the universities of his kingdom, commanding the immediate discontinuance of lectures on moral philosophy ; because, said the royal edict, " His Majesty does not want philosophers, but loyal subjects." Nor were the apprehensions entertained from the doctrines of this branch of knowledge altogether ill founded. The scholastic divines and philosophers were the first who clearly laid down the principle, in their treatises of morality, that the science of politics was a system of mutual and regulated duties and obligations between the governors and the governed. This notion ran counter to the current of opinion entertained by the crowned heads of these ages, who conceived that all the duty and obligation there might be in the matter, lay entirely on one side, and had no reference whatever to themselves. To talk of the obligations of a reigning prince might be tolerated as a figure of speech ; but to connect it with practical matters of government, was a suspicious and dangerous innovation.

The science of politics, when viewed through a mental and abstract medium, made a decided progress in the hands of the learned doctors of the schools. If we cast an eye over their several political works, from the tenth century till the termination of the fourteenth, we shall see a gradual, but decided improvement prevading this branch of human knowledge. We recognise not only the development of new principles at stated epochs, but old ones discussed in a more improved method ; adorned with an increased perspi-

cuity of expression, and more copious and eloquent illustrations. The entire science was subjected to more rigid and systematic arrangements ; and century after century it received a more finished polish. The truth of this is quite apparent from even a very superficial perusal of the abstract political disquisitions of the times.

Indeed, the scholastic philosopher may be considered as a thing strictly necessary to the intellectual system of the world. The learned men of these past ages, were the instruments of preserving principles of great value, and imparting to them that precise scientific form, requisite for handing them down to succeeding generations, in all their fulness and integrity. Such men, whether called scholastics or not, are required at all times, and for every department of knowledge and science ; and we have them amongst us in our own day, to perform the same necessary mental offices, which were imposed on the philosophers of the middle ages. Such a class of profound thinkers prevent knowledge in general from running into useless and profitless details ; and are the sole instruments appointed by the constitution of nature, to give permanency and utility to the mental labours of successive generations of men.

But viewing the subject again from another aspect, we are led to an opposite judgment, and to come to conclusions somewhat at variance with the estimate we have just formed. Many persons of even tolerable learning and ability, look upon the ages we have just gone over, as an entire political blank, containing nothing worthy of a moment's consideration in reference to the history of administrative or legal polity.

Now we are of somewhat different opinion. Every well informed reader must admit, that before the end of the fourteenth century, the entire civil and political frame-work of Europe, as it now exists, was made, and fitted for all its governmental and legal functions. It is impossible, when we cast an eye over the public institutions of the European family at the present day, and compare them through the medium of laws, with those which existed four centuries ago, not to be struck with the complete identity of both, as to all the fundamental features of the two sets of things. The conclusion forced on every candid mind is, that there was something *done*, if not copiously *written* about, during these two thousand years.

The fact is, we pass over these many ages previous to the revival of letters, and the Protestant Reformation, without instituting any inquiry respecting them; partly from the distance of time, and partly from the difficulty of procuring books and records, containing the opinions and judgments of the early writers and thinkers of those times. This latter obstacle, it is almost impossible to remove. But viewing the scanty materials just as we find them, we see enough to bring us to the conclusion, that the great minds of past ages, had not altogether lived in vain, in reference to the vital questions connected with the general science of government. They expounded—quaintly enough perhaps—many fundamental principles of inestimable value, both to rulers and people. The case of these ancient politicians may be compared to the judgment we form of a colossal and interesting building. We fix the eye on its well stocked and highly finished apartments, full of

everything captivating, convenient, and of artistic excellence; the outside ornamental work calls forth our admiration and praise; but we seldom think of the agents who planned the whole, dug out and laid the foundations, and executed all the substantial parts of the structure. It is precisely the same when we attempt to contemplate, as a whole, the colossal structure of civil society. We are apt to look lightly on those who have been engaged in rearing the solid and enduring parts of it, and lavish our praise exclusively on the labours of those who have put an outside finish or ornament over its more prominent divisions.

It may, therefore, be remarked—and the remark rests on indisputable proof—that there has been going on, during these two thousand years, a decided progress in reference to political opinion and sentiment. Dark as many conspicuous portions of this period were, compared with others in some particular points of view, yet in reference to steady advances in a knowledge of sound principles of government, and maxims of constitutional polity, there was still displayed a decided movement in a right direction. This progress sometimes displays itself in fitful and spasmodic movements, and the ground gained to-day seems to be lost to-morrow; but when we come to analyse with care those forward and retrograde movements, and balance their results fairly, we shall have a clear residue in favour of general humanity and improvement. This onward progress has often been compared to a flowing tide, where, though every wave retires, yet the whole mass of waters moves on in irresistible power and force.

Indeed, looking at the political condition of Europe in the year 1400, in all its varied relations, and con-

trasting it with its condition at the present moment, we may compare it to a stupendous and lordly castle. At a distance, it wears all the appearance of antiquity, and seems to have effectually resisted the hand of modern innovation. But a nearer inspection dissipates, or somewhat modifies this conclusion. We perceive, indeed, its ancient foundations, and the unity and design of its original plan. But a more minute and artistic inspection unfolds the various epochs when particular parts of the building had been either added to, or greatly altered from their first erection. The necessities and conveniences of the inmates had felt it requisite to add a tower here, and a wing there; to widen the foundations in this direction, and in that; to remove unsightly obstructions and to extend and beautify the varied scenes over the surrounding landscape; and above all, to make such additions, and enlargements to the original structure, as were directly conducive to the domestic ease, comfort, and liberty of its possessors. To the eye of the connoisseur, therefore, the edifice would present a vast assemblage of various orders of architectural skill and taste; it would appear as stamped with the imprints of particular periods of history; but would still look as if it had preserved, in all its main outlines, that decided unity of figure, and individuality of character, which lead the mind to consider it altogether unique in its kind, and different from every other building, and as the result of a uniform class of intellectual energies, conceptions, and associations.

It strikes us as a very obvious suggestion, from the cursory survey of the many centuries now alluded to, that political knowledge, and political progress, are

both of very slow growth. It seems one of the conditions of the moral government of the world, that knowledge of all kinds is only to be dug from the depths of the intellect by long and laborious exertions of entire communities, and by the most steadily directed aims and pursuits; and certainly knowledge relative to man's social existence, comfort, and independence, appears to be the most difficult of parturition, and the most unattainable for practical purposes. When some fortunate mind discovers a new truth in the science of government, it invariably happens, even in our own times, when the transmission of thought is so surprisingly rapid, that it hovers over the intellectual horizon of a nation, long before it is made familiar to the ears of the people at large, and made to form an integral part of the popular political creed. If this be the case now, it must have been still more difficult, during the times of which we are now treating, to realise the practical value of abstract truths of a novel cast relative to legislation, and to bring them down to the level of the multitude. Still, with all the allowance we can be reasonably called upon to make, between the present times, and those preceding the fourteenth century, the wonder presses upon our minds, how little should have been embodied in all the political literature of these two thousand years.

From this cause it was, that there was not anything, up to the period now under consideration, that could be called *public opinion* on matters of general polity, and administrative legislation. The public knew nothing whatever of such things. All the knowledge of politics, and the principles of which they are the embodiment, was confined to the few learned indi-

viduals who lived in cloisters and universities. Governments were carried on by the mere *vis medicatrix nature* of the body politic, joined to such rough and ready materials, as the emergencies of the moment, or the suggestions of expediency, prompted men in power to use. Legislators and politicians had not yet ventured to look into the human constitution, and mould their systems of legislation in accordance with its leading social feelings and sentiments; but contented themselves with little save sheer brute force, and violent and irresponsible compulsion.

We find, however, that as general knowledge increased, it exercised a friendly influence upon the current of political thought and action. Even in those times when the poetic spirit first manifested itself in various countries of Europe,—when men racked their invention in praising the glories of battles and of love, of festive pomp, and religious exercises,—there was a soothing tone, and friendliness of manner imparted to the political relations of mankind, that had not been experienced in the previous ages of the world. Men began to appreciate the practical value of kindness and liberality. This feeling had previously been isolated and confined, and when called into exercise, was only directed to a few objects. It might occasionally burn intensely enough, but beyond a certain point, it was never felt. The private affections of life absorbed all the love a man had for his species; but now we see a wider field of sympathy, and an interest expressed and felt for the good of mankind in general. The literary spirit displayed the common nature or brotherhood of men; and it became a received and influential doctrine in all the political creeds of the times. Though imper-

fectly comprehended and applied, it still, century by century, gained a firmer hold of the human understanding, and more vigorously excited and strengthened the political sympathies of our race.

This doctrine of a common nature expanded the benevolent principle beyond exclusive and factious circles. It imparted a lofty dignity to all social and political truths. It shook all that was merely outward show on the body-politic—birth, and rank, and wealth, and honour, which separated large classes of men, as if they had been distinct races.

In the many centuries we have surveyed, we recognise a great depression hanging over political opinion and sentiment. There was, in these ages, too great a disproportion between the external appliances and inward capabilities of man—between his bodily and mental natures. From this cause, the progress of civilization appears always moving in a one-sided direction, and to be circumscribed and imperfect. The mere increase of wealth and power, unaccompanied by a corresponding knowledge and intelligence among the people, as to their political rights and duties, seems to present to the eye of the philosophical inquirer, a state of things, premature in existence, uncertain in duration, and insecure in its stability. We cannot here trace political causes and events to their origin. The mind becomes deprived of its just share of influence; and cannot luxuriate in those rational expectations of human improvement, so congenial to the loftier powers of its being. In the ages now under consideration, the harmony between the two great elements of progression—the increase of material power, and the development of the moral

and intellectual faculties, was too much disturbed, to impart to the speculative politician, that requisite degree of confidence in his doctrines, that might lead to beneficial and happy results to nations and individuals.

In passing down the stream of time, we perceive many public advantages arising from the gradual extension of commerce and manufactures. Nations became more closely allied to each other; and in proportion as they came to understand thoroughly their own respective interests, they relaxed the close and restrictive nature of their commercial codes, and established many wise and salutary provisions for the more easy and successive prosecution of their trading enterprises. The general and abstract principles of commerce, banking, exchange, and the like, which form important constituent elements of the science of politics, became, one by one, better understood, and more universally applied. The commercial intercourse of nations, being founded on maxims of liberty and independence, there necessarily sprang out of this intercourse, many civil and political benefits to mankind, which they would not otherwise have obtained. Hence it is, that in every period of history we have just gone over in this volume, we distinctly recognise a growing spirit of national liberality, a more complete acquaintance with the doctrines of political knowledge, and more widely diffused opinions and sentiments of private and public liberty, in all those parts of the world, where commerce and manufactures were fostered and encouraged. The common and active sympathies of mankind are, in such localities, called into vigorous action; and where they are allowed an

unrestricted range, they naturally produce peace, the unfettered exercise of opinion, and real wealth and power to the state.

Another suggestive incident arising out of this long period of political history now under consideration, is, the constant presence of the theological elements, both in heathen systems of polity, as well as in those systems framed since the christian era. None of the ancient philosophers thought political speculations feasible or perfect, unless they had a close alliance with the religious sentiments of the people. Since the introduction of christianity, we have seen how it influenced and directed public opinion in reference to political principles and measures throughout every succeeding century ; and, like a little leaven cast into the common mass of human feeling and intelligence, has been ever since gradually penetrating and moulding them both. We trace the christian development slowly but steadily progressing, from one age to another, mixing both with the forms and the theories of government. It does not always move in a straight line ; but through various winding and indirect channels, and bears down everything which opposes itself to its course and influence. The power of christian principle does not develope itself as a thing having its foundations in the depths of humanity, but as something revealed, superadded, and communicated to man from a higher source, in the shape of a command or order. This is its native or abstract character. But it has likewise another ; and that is, its adaptation to all those intellectual and moral powers in the individual, which have for their aim the extension of his knowledge, and his progressive social improvement. Were this not the case, religious senti-

ment and institutions could have no beneficial influence on society whatever. This connexion—this harmonious agreement—between the divine mind, and the mode in which human nature is developed, is significant of the great end and purposes of political regeneration. It shows the type or model according to which humanity must shape its course. When this connexion is fully established, then will be the highest state of social improvement.

It is apparent, from the ages we have run over, that the christian system, in conjunction with the extension of general knowledge and science, affected the current of political thinking in two different modes. First, that system displayed much of its influence in the formation of abstract theories of right and justice, and in the establishment of certain legal and legislative measures, for the good of the community at large. Here we have, as it were, the external evidences of christian philosophy. The vast increase of books and treatises on law and equity, which, from the time of Constantine to the termination of the fourteenth century, had taken place in all the countries of Europe, is a conclusive proof that no small progress had been made in what may be termed the science of legal forms and principles. And, at the same time, we can trace the several steps by which legislation itself manifested its onward movements, in the gradual adaptation of these enlarged views of the public good and justice, which were forced on the attention of politicians, and made necessary ingredients in all the schemes of state policy. Such, for example, were these maxims connected with the rights and duties of the female sex, the nature and practice of slavery, and with those innumerable forms

and customs which fettered the personal liberty, and cramped the mental energies of the bulk of the people. From time to time we recognise the attempts to give a practical illustration of the great and general truth, that every government *de facto* was bound to promote, as far as it was able, the real happiness, power, and prosperity of the millions committed to its care. Here the increase of abstract speculations and practical statesmanship, went hand and hand, and their united and salutary effects are distinctly portrayed on every successive generation, from the fifth century, till the end of the period now under consideration.

Then again, the second manifestation of Christian principle, and the gradual increase of information, is legibly imprinted on the private or individual movements and interests of mankind. Although the real history of numerous generations of our fellow-men, who flourished and died, during the "dark ages," can never be known, yet we can distinctly trace the marks of their social improvement from time to time, from the several chronicles, and fragments of history, which have been handed down to modern times from unquestionable authority. In fact, the consolidated ritual of religious observances must have been felt through every part of human society, and been highly influential in the formation of those habits of life, and trains of every-day thought, so favourable to all rational and useful legislation. All the daily precepts rung in men's ears, enjoined him to love his neighbour as himself; to be merciful and benevolent to the poor and distressed; to forgive his enemies; to love virtue and goodness for their own sakes; and to feel that slavery, oppression, cruelty, and misrule, were things

in themselves hateful and pernicious, both to individuals and societies. These were among many others, some of the distinctive influences which the religious element exercised over the personal characters of men. It was through the instrumentality of these constant teachings and admonitions, that communities of men were gradually brought to rivet their understandings on social improvements, and the more lofty principles of legislative knowledge and science. And although there might be mixed up with these daily lessons, much that we of the present day, may think frivolous and pernicious, both in doctrine and practice, yet this is not sufficient to cancel all the good such constant instructions produced. After every fair and reasonable deduction is made on this score, there is a considerable residue to be placed to the credit of the christian hierarchy, in every age of its power and authority.

And we can scarcely fail to remark, that all the first attempts at political writing, from the twelfth century downwards, were just an embodiment of those feelings and sentiments of the people, which the daily ministrations of religion created and fostered. Every writer made an appeal, in some mode or other, to the principles and morality of the common creed. This was the secret of their power—the foundation of their popularity and influence. The spirits of the age, who aspired after improvement, saw that the political nature of man was as yet hidden from himself:—he was still a stranger to the inward and secret springs of his social existence. He had only faint gleams of its capabilities and powers. These required a purer religious feeling to pervade the masses;—a higher intellectual and moral training to reveal the

true character of his precise position in the universe. He appeared, in fact, in their eyes, as only a half-reclaimed savage. Christian ethics were, consequently laid hold of as that infallible indicator, that pointed out, in the distance, the path that would lead to the sublimest truths, and the fullest enjoyments of social happiness and power.

While, however, political writers kept their eye steadily directed on the value of the christian system, as an organ of renovation and improvement, they saw clearly that the vast body of the clergy were leagued against them. The church, ever since it assumed anything like what could entitle it to be called a church, had been reforming society daily in matters of detail, and practice; but in theory, it laboured with might and main to establish itself as the *only* channel through which anything good, enlightened, and liberal, was to be conveyed to the popular understanding. It said in reality, that political rights and privileges were matters to be dealt with only through the forms and doctrines of its faith. All the writers of the church, whether scholastic or popular, who treated of political doctrines, laid down the principles, that no system of general polity could be safely discussed which itself did not think good; and that to extirpate ideas of a contrary character, was an imperative duty imposed upon it by the very nature of all christian institutions. In proportion to the firmer and more extended hold which the church obtained of temporal power, in the same ratio did it consider itself constrained to repress individual opinions of dissent; and for this obvious reason, that powerful state arguments, independent of theological ones, suggested themselves in favour of repressive

influences over the rights of private judgment. The church said to itself, in substance, we are not simply a religious institution, we are invested with the power, and exercise the functions of a government. Now, a government which confines itself solely to the temporal wants of the people, only discharges one part of its duties, and that by no means the most important. Their eternal happiness and welfare are of more weighty import than anything else. This can only be secured by establishing a political and social standard of truth;—by imparting a political conscience to the community. The very nature of a christian government pre-supposes its right and duty to deal with the highest interests of all its subjects; and this can only be done by striving to make them *good*, as well as rich, powerful, and happy.

We cannot fail to observe that the struggles, which the catholic system incessantly maintained against the privileges of free-agency in the individual, did not take their rise from the mere respect for theological doctrines, abstractly considered. The moving principle behind the chair of St. Peter, was a purely political one. We see this manifested in every direction, and by every exercise of Romish power and vigilance. The mere attack upon a particular doctrine of the church was not so much an object of watchful solicitude and suspicion in its religious bearings, as in those that might appear in the eyes of the hierarchy, to ally it to political questions. It was here that Rome invariably put forth all her strength, and wielded the sword of persecution without mercy. The outward history of what may be termed speculative philosophy, abounds with numerous examples illustrative of this

disposition of the church. Whenever any particular abstract opinion was broached, it was instantly scanned in all its political aspects, leaving the purely theological part of the question as a matter of secondary importance. And it must be always borne in mind, that the papal system had the absolute power of knowing in what degree every assumed schismatic opinion might affect the ordinary current of public feeling, relative to social and political innovations. The system was ubiquitous;—it was everywhere present. It stood at every moment of time between a man and his own thoughts; and was always in a position to catch the faintest aspirations or breathings after changes or alteration of any kind.

Such was the real situation of society in the middle ages. Public opinion and freedom were acted upon by two antagonistic forces;—the expansive and the repressive; and if not both taking their rise from a religious feeling, were at least actively excited and sustained by it. Acting upon the principle that they were the only instruments of political improvement, the clergy set themselves in open array against all intellectual innovation; and the more zealously they enforced their peculiar dogmas, the more irritable and explosive did the minds of societies become. Here nature arose, and redressed her own wrongs. Had the priesthood accommodated their teachings to the growing intelligence of men, they would have acted nobly and wisely; but they seem, as political writers and philosophers, to have had no idea that the perfection of social institutions depends upon the proper amalgamation of secular with theological instruction. This was a principle at this period entirely unknown and un-

recognised. It was, however, to be actively realised in a short time.

Now, contemplating these several points, we shall merely observe that it seems somewhat singular, that up to the end of the fourteenth century—that is, for a space of nearly two thousand years to which our inquiries have extended—we find no pen that ever attempted to grapple with, consolidate, or develope the science of politics *as a whole*. Much had been written from age to age during this long period, on almost every subject; but nothing, since the days of Plato and Aristotle, save mere hints or scraps, on that vital department of knowledge, which, more than any other, obstrudes itself on the attention of men at all times, and which more than any other, is so intimately allied to every phase and condition of their temporal existence. The great and profound thinkers of every age, in these two thousand years, had abundant materials before them, and had seen human society in nearly every possible condition; yet they never seem to have regarded it with a philosophic eye, nor were ever prompted to look into the abstract nature of man, and to detect those powerful springs and passions, which display themselves in the public struggles and movements of society. There were portant and influential political principles scattered about in every direction; but no master-mind appeared to collect, arrange, develope them, or bring them home “to the businesses and bosoms of mankind.”

THE HISTORY
OF
GENERAL LITERATURE,

VIEWED
POLITICALLY AND HISTORICALLY,
IN A POPULAR MANNER,
FROM THE EARLIEST TIMES TO THE SEVENTEENTH CENTURY.

BY
ROBERT BLAKEY.

Second Edition.

VOLUME II.

LITERATURE OF GREAT BRITAIN, AND OF FRANCE, ITALY, SPAIN, AND PORTUGAL, FROM THE
FOURTEENTH TO THE SEVENTEENTH CENTURY, INCLUDING SKETCHES OF THE MOST EMINENT
LEADERS AND STATESMEN OF THESE COUNTRIES, NOTES, ETC.

LONDON :
RICHARD BENTLEY, NEW BURLINGTON STREET,
Publisher in Ordinary to Her Majesty.

MDCCCLXI.

CONTENTS OF VOL. II.

CHAPTER I.

Introductory Observations.....	1
--------------------------------	---

CHAPTER II.

Political Literature of Great Britain from 1400, till the
Year 1700.

SECTION 1.

From Henry V., to the termination of the Reign of Elizabeth. Netter—Fortescue—More—Samson—Pole—Fox—Mair Kyllour—Wedderburn—Lindsay—Buchanan—Melville Knox—Elyot—Cheke—Mars—Bochas—Aylmer—Good- man—Poynt—Arbuthnot—Chaloner—Penry—Udal— Rose—Richer—Gentilis—Smith—Hooker.....	36
---	----

SECTION 2.

From James I., in 1603, to the Death of Charles I., in 1659. James I—Bellenden—Bradshaw—Bacon—Raleigh— Hall—Andrews—Melton—Crackanthorp—Barclay— Prynne—Baillie—Carpenter—Diggs—Selden—Lilbourne —Birkenhead—Sadler—Heylin—Needham.....	86
---	----

SECTION 3.

From the Death of Charles I., to the Year 1700 :—Charles I. Gauden—Usher—Milton—Goodwin—Phillips—Walker Cary—Coppe—Titus—Sancroft—Baxter—Hobbes— Bate—Zouch—Taylor—Wolley—L'Estrange—Butler Johnson—Marvel—Denton—Parker—South—Nalson Neville—Filmer—Dryden—Cumberland—Sanderson— Mackenzie—Tutchin—Harrington—Sidney—Bunyan— Bohun—Jeffrey—Locke—Dawson—Moyle—Devenant De Foe	124
--	-----

SECTION 4.

On Public Records—Satirical Productions and Ballads of a Political Character—The Drama—Newspapers, &c.....	186
---	-----

CHAPTER III.

Political Literature of France from the Year 1400, till 1700 : Hottoman—La Boetie—Languet—Bodin—Muret— Gregoire—Boucher—Lotin—Cosentin—De Lusigne— Ribadeneyza—Naudé—Richer—Pheveneau—Saussovin —De Mouchembert—De Dominis—Piccart—La Blanc— Bossuet—Balzac—La Houssaye—Lenoir—Fénélon— Rabelais—D'Alain—D'Orleans—Boileau—Pasquier— Richeome—Agrippa—Chartier—Petit—Gacon—Durant —Theophile—Bergerac—Noble—Pascal	212
--	-----

CHAPTER IV.

Political Literature of Italy, from the Year 1400 till 1700 : Pletho—Facinus—Valla—Acciaoli—Goldastus—Machi- avel—Bellarmin—Sigonius—Bozio—Gianotti—Conta- rini—Boteri—Rosello—Paruta—Sarpi—Squitano— Campanella—Scaruffi—Serra—Aretino—Bracciolini— Filelfo—Palearius—Bocolini—Pallavicin—Gigli	262
---	-----

CHAPTER V.

Political Literature of Germany, Holland, the Netherlands, and other Northern Kingdoms of Europe, from the Year 1400 till 1700 :—Muntzer—Reuchlin—Hütten—Luther—E- rasmus—Melancthon—Zwingle—Calvin—Erastus—Cas- talia—Koornhort—Beza—Lemnius—De Brandt—Jehan— Zevécote—Lipsius—Althusius—Episcopus—Sleidan— Comines—Gerhardus—Grotius—Puffendorf—Barbeyrac —Wolff—Vattel—Marnin—Graswinkeli—Willaert— Salmasius—Du Moulin—Inchofer—Sanders—Gisbert— D'Alquie—Spinoza—Pelisson—Larroque—Jurieu— Modrevio—Noodt—De Witt—Leibnitz—Gozliski— Patricius—Rosenkrants—Kraagius	294
---	-----

CHAPTER VI.

Political Literature of Spain and Portugal, from the Year 1400, to 1700 :—Jesuits—Ximenes—Victoria—Augus- tino—Soto—Ayala—Perez—Flaxardo—Mariana—Pe- ralta—Perez—Suarez—Rebolledo—Carillo—Horoeco— Ramon—Valdecebro—Mendo—Parada—Guevara—Fur- tado—Miedes—Gurrea—Albarnoz—Silvestre—Castil- lejo—Quvedo—Mendoza—Bascan.....	364
---	-----

CHAPTER VIII.

Concluding Observations	410
Notes	425

CHAPTER I.

INTRODUCTORY OBSERVATIONS.

WE now approach an epoch in the history of political literature, of an altogether different cast from what we have hitherto noticed. This is a period of remarkable mental activity; and books of politics, of every variety of form and matter, press upon us from all sides, and solicit our attention and criticism.

There are three great leading events, besides several minor ones, which come across the path of this historical portion of political science, and which gave a remarkable impetus to the spirit of mental inquiry generally; but particularly to matters connected with the civil rights and privileges of mankind. These events are the Protesant Reformation; the Revival of Letters in Europe; and the Discovery of Printing. These are, conjointly, of such a weighty and comprehensive character, and their ramifications and bearings on the intellectual pursuits and social condition of mankind are so various, that they eclipse or overshadow all the other mere secondary causes which mingle themselves with the general results. The first element of change excited the religious spirit to its highest pitch; the revival of letters brought before the ordinary mind of Europe all the political knowledge and

speculation of the early days of Greece and Rome; and the establishment of printing multiplied, to an indefinite extent, the mental labours of authors and politicians of every grade and cast.

The causes of this change have been commonly ascribed, by most English writers, to the gradual influence of several circumstances which took place at this period in the history of Europe. Most of the monarchical institutions had been vastly upon the increase for a century, in consolidating and augmenting their absolute power over the people; and this had obtained such a pitch in many countries, and had directly led to so many and such grievous acts of cruelty and political oppression, that a spirit of opposition was kindled amongst the mass of the people, and this vented itself in the publication of works breathing a decided hatred to tyrannical rulers of all grades, and showing the justice and policy of dethroning them, and even putting them to a violent death. In many of the treatises that will come before us we shall find that no terms were kept with despotic kings or rulers; but the doctrines of open rebellion and direct and speedy vengeance were uncompromisingly advocated and enforced. The existence of these productions must be taken as an infallible proof that the majority of the people of Europe were suffering great political hardships and wrongs; and that the ordinary exercise of monarchical power was regulated by no principles of justice and equity.

The Reformation was a momentous political element; it gave a powerful and new impulse to the popular mind throughout the whole of Europe. The transition was quite easy and natural, from investi-

gating the moral government of the Deity, and subjecting the political institutions of men to a most rigid examination; they mutually reflected additional light on each other. The subjugation of sacerdotal power stimulated the people to endeavour to get rid of all social and public grievances; and the sacred writings afforded them examples without number, where efforts of this description were fully and unequivocally sanctioned by the divine countenance and command.

Up to the period of the termination of the fourteenth century, we have traced, in the preceding volume, the gradual formation of the ultra-montane doctrines of the catholic church—that it ought to be considered as the sole arbiter of what was politically good and expedient in every country where its power and influence were formally recognised and established. The subordinate political principles involved in the discussion of this general axiom of social philosophy had been fully developed; and every argument, and every illustration, had been employed which the most subtile and able minds, during many centuries, had been able to suggest. This dogma of christian supremacy was one of the infallible canons of the faith of mankind; and it was not only firmly rooted in their minds as a speculative truth, but its practical fruits were everywhere present to the senses, in all civil ordinances and rules of law, and the modes and customs of social life. The political power of the papacy was an ever present reality in the minds of men. It had battles to fight, controversies to settle, enemies to silence, and new converts to strengthen; but notwithstanding all these things were going on in the bosom of the

church, it was still gaining ground as a political engine, embracing within its sweeping range everything in the shape of independent thought and public opinion on matters of secular interest and importance; and one generation of able and studious men passed to the tomb after another, without ever having the slightest conception that such a thing as a political science could exist, beyond the pale of the clerical hierarchy. But the extreme length to which the doctrine of papal civil supremacy had been pushed, naturally created a reaction against it. The reason of men felt the dogma revolting to common sense. Opposition to it, however, did not altogether take its rise from purely political sources, for it was materially assisted by questions and disputes, both as to religious doctrine and ritual. These formed the spark which ignited the inflammable materials promiscuously strewed about throughout the kingdoms of Europe. Hence we find that the first regular attacks on the power of Rome were of a theological cast; but these were soon followed by another series of a decidedly political and civil character.

Throughout the entire mass of political writings, comprised in the period of history now under consideration, there are two grand doctrines pervading nearly the whole of them, like the leading arteries in the animal body, conveying life and energy to the whole frame. These are, *liberty of conscience*, and *the right of resistance to constituted authorities*; the one aiming a direct blow at the power of the church, and the other at all regularly constituted governments, and civil communities. These two ideas, possessing a certain logical and philosophical relation to each

other, were the mainsprings of the Reformation, and the prolific source of ninety-nine out of every hundred of the political treatises which made their appearance, at this time, in the several countries of Europe. Not but what there were other weighty principles of polity scattered up and down the entire range of literature; but these had little or no hold on the public mind, nor did they influence its practical movements in any perceptible degree. Everything was concentrated in the two prominent doctrines of liberty of thought, and a right to make changes in a government when a nation willed them; and the varied illustrations these two tenets received, the enthusiasm imparted to their discussion, and the struggles of life and death made for their establishment, present one of the most instructive and interesting displays of the mind of man, during the whole range of his earthly history.

It cannot fail, we conceive, to prove of advantage to the general reader, to have a bird's eye view of the leading arguments on these two grand doctrines, and of the opposite tenets by which they were combatted. This is rendered an almost indispensable arrangement, when the number of the works on these questions is taken into consideration. From the first dawn of the Reformation in Great Britain, to the year 1668, there are not less than *one thousand* distinct publications, in the English language, on the rights of conscience, and the lawfulness of civil resistance, including, of course, other works which take the opposite side of the argument. Therefore, it is beyond the scope of this treatise to give even a simple enumeration of these several literary productions, much less epitomes

of their general scope and merits. It is only the more prominent and able of these writings that can be particularised; and this, too, in a very brief and cursory manner. To have a tolerably correct abstract of the arguments on which these two great political principles rest, and the great interest attached to them, even at the present hour, are sufficient grounds of themselves for the adoption of this plan, which will likewise enable us to fill up discrepancies in the ordinary bearings of the subject, and to avoid frequent and needless repetitions.

The vital principle, then, of religious toleration or freedom, lay, as we have already stated, at the base of the Reformation, and it may, without any direct reference to particular religious sects or denominations, be expressed in the following words:—*The liberty of the human conscience from all external and legislative restraints, and the right of every man to judge and act for himself in the concerns of religion, without the interference of human authority to coerce or control him.* This is the form and substance of the axiom on which the entire fabric of religious toleration hinges.

As religious truth is the concern and business of every individual person, and as this concern lies immediately between the Creator and himself, it is requisite he should have and exercise a perfect liberty, and that in his belief and practice he should be in the fullest enjoyment of freedom, to think, judge, and act for himself. Every man's salvation is his own personal concern; every man's soul is in his own keeping. There can be no delegation of power here; no power to transfer the business in hand to any deputies or agents whatsoever. It is impossible that a matter

of this kind can be alienated ; the thing is unnatural, and beyond the province of legislation.

Religion, then, is a gift which God has given to every one in particular. It is unquestionably subject to His influences and inspirations, but with respect to everything else, it is free and independent of worldly or temporal authority. No one should enter unwillingly or ignorantly into any religious order or community ; neither ought any man, by virtue of any human right or power, be obliged to embrace a religion, or continue in it, or conform himself in everything to that which he has preferred to all others, by arms, or the authority of laws.

It is not less a man's privilege to quit a religion after having embraced it, than to profess it at first. Indeed, that person is unworthy of being a member of any spiritual society, who does not love the head of it with all his heart, and not with his lips only ; who has not courage enough to follow him everywhere, and embrace that mode of worship which is the most sound and pure. He who chooses a religion, with a desire to procure all the high advantages which it promises, may, without injuring any one, reserve a right to himself to examine whether what it teaches be exactly conformable to the truth ; and should he find it not to come up to the standard required for honest conviction, he has a perfect right to abandon it, if such be his wish or desire.

It does not follow from this, that those who enter any particular denomination of religious persons should have the privilege of absolutely doing everything according to their own whims and fancies. Whoever joins any such society should conform themselves to

its rules and doctrines. No body of men can subsist in a corporate capacity unless there be some kind of law and discipline among its members; and it is peculiarly incumbent on a school which professes to teach piety and virtue, to keep the privileges of liberty within the prescribed boundaries of honour and duty. A distinguished author says, "I would not have this misunderstood, as if I meant hereby to condemn all charitable admonitions and affectionate endeavours to reduce men from errors; which are indeed the greatest duty of a christian. Any one may employ as many exhortations and arguments as he pleases, towards promoting of another man's salvation. But all force and compulsion are to be forborne. Nothing is to be done imperiously. Nobody is obliged in that matter to yield obedience unto the admonitions or injunctions of another, further than he himself is persuaded. Every man in that has his supreme and absolute authority of judging for himself. And the reason is, because nobody else is concerned in it, nor can receive any prejudice from his conduct therein*."

With the religious freedom of men, no pretensions or powers can warrantably intermeddle. Freedom of conscience is a hallowed inclosure; a sanctuary that ought not to be violated. Men, as moral and accountable agents, must be invested with freedom; their liberty, no less than their reasoning powers and their consciousness, is an essential element in their responsibility. If they have to give an account to God for their opinions and actions they must be free to form the one, and to do the other. This is the basis of the divine government towards man, and the

* Locke.

foundation of all religion. Nothing can be a *reasonable service* to God except it be based on this principle.

Ecclesiastical power extends no further than that of giving counsel, exhortations, and peaceable instructions. When these have been all tried, and proved ineffective, then incorrigible members may be cut off from any religious community. This is all the punishment that can justly and reasonably be inflicted. If we transgress this limit, we go against nature and the true end and purposes of the theological union.

In a state of nature, that is, before laws and civil government were established, no man had any sovereign authority over the ideas his fellow-man might entertain on religious subjects. What right, then, have kings and princes over the consciences of their subjects? There is no colourable reason in giving the head of a state more power in religious matters than each person has in a state of nature.

The arguments for ecclesiastical and political authority, over matters of religious belief, are numerous, but we shall not formally enter into them, for they will come before us in other parts of this work. We shall, however, for the sake of method, enumerate the heads of a few of them.

1st,—The justice of authority, civil and sacred, for matters of faith and opinion, may be maintained from the consideration of the vital importance of salvation to those consciences which are constrained to it; and who think salvation is to be found but in the sacred books of scripture. 2nd,—A prince may not oblige us to submit to his own individual judgment, but to the

judgment of his public ministers of religion. 3rd,—The glory of the Almighty is offended and tarnished by errors and schism in theology. 4th,—Coercion in matters of opinion is justified by the foul and wicked nature of errors in religion. 5th,—The good that is done to those that err, by the adoption of compulsion, is greater than any evil that arises from the exercise of authority. 6th,—Ecclesiastical authority is requisite to correct and remove that blind obstinacy which is bound up in the hearts of those who fall into erroneous theories and systems. 7th,—Authority is involved in every person's declaration, that it is a part of his duty to maintain and disseminate the true religion. 8th,—There are laws in every community indispensably requisite to oblige men to practise virtue and abstain from vice, why not such laws restrain them in matters of religion? 9th,—It is evidently for the interests of the state, as an aggregate body, that religion should be placed under its protection and guidance. 10th,—Disputes and contentions about religion create innumerable troubles and disorders in the bosom of the church, where all should be harmony, and christian feeling. And 11th,—All idolatrous and gross superstitions should, at least, be extirpated from society, that true and rational religion may not be corrupted or damaged.

On the other great leading idea, which the majority of political writers of this epoch attempted to develope and illustrate, that is, the right of resistance, we shall make a few brief and general observations as to the prominent bearings of the entire question.

The abstract reasons for physical resistance to bad governments are very numerous, but we shall only

here point out the most obvious and striking. We may mention in the first place, that *there is a strong natural principle implanted in men's bosoms that induces them to resist oppression*. This is intended for the wisest purposes. If man were tamely to submit to every outrage inflicted upon him; if he were not to raise up the hand of resistance and rebellion against those who tyrannise over him, he would be the most wretched and pitiable creature in nature. To deny him this power, is to deny him that which the meanest animal possesses. Even the very worm turns against the foot that treads upon it. It is not necessary there should be any *reasoning process* here; *instinct* alone is quite sufficient to guide our movements and conduct under such circumstances. The feelings of anger and resentment not only prompt us to resist outrage, but also to inflict signal chastisement upon the aggressor. Why are we thus armed to protect ourselves, not only against sudden attacks, but also to lay down plans, and to take judicious precautions against future violences, so as to screen ourselves from the secret machinations of the malicious and revengeful? The reason is clearly pointed out. The great law of self-preservation is secured and maintained in all its healthful vigour, by this set of resentful feelings which are planted in our bosoms for the especial purpose of resistance.

A most beautiful provision is here made in man's social economy. Violence and resistance are the only antidotes against themselves. Men refrain from acting violently against you, because they know you are armed with the same weapon yourself, and have the same right to use it against them. The same prin-

ciple is carried into political society. We cannot see our most valuable rights trodden under foot, our most sacred privileges wrested from us, and every movement of life rendered tedious and irksome by the odious enactments of despotic power, without feeling our bosoms glow with indignation, and calling into requisition every power of limb, and arm, and tongue, and pen, we can possibly command. It is the knowledge of this power, which every man has a right to use, under certain limitations, which proves the only safeguard for civil society itself.

The dictates of natural justice sanction open and direct hostility to bad governments and rulers. It is a deep-rooted principle in our nature that all men should be honestly and fairly dealt with. A variety of manners, customs, opinions, and political institutions, may, and indeed do, make a considerable departure from perfect uniformity of judgment as to what is fair and honest; but still the general principle is sufficiently maintained for ordinary purposes of reasoning. If men in a civilised community appoint certain members of their body to fill public situations, ought not these rulers to be obedient to the general will? particularly when it is taken into consideration that this general body of men have alone that portion of *physical strength*, without which no laws, however good, wise, and beneficial, could ever be carried into operation at all. If the mass of the people see a small fraction of their body degrading, plundering, oppressing, and insulting the whole community, would not that mass be criminal in the highest degree to look indifferently and coolly on their own destruction? Rulers, under whatever name, are but servants of the

people; and would it not be a great anomaly to see the servant invested with absolute power of life and death over the master?

Another powerful argument for the right of resistance is derived from the consideration that tyranny and oppression are highly injurious to natural happiness and prosperity. This is amply borne out by the uniform testimony of history. A great violation of public rights is always followed by the degradation and misery of the people. All the better principles of men's nature become weakened and depraved; and everything that is calculated to improve, to elevate, and to exalt human nature, is thrown into the shade. The benevolent and kindly affections become weakened, both in individuals and bodies of men, and nothing but the most cold and heartless selfishness is witnessed in every movement of life. Truth becomes no longer respected; private and public morality are trampled under foot; and social and domestic happiness are destroyed. All nature groans under the pestiferous influence of oppression. No matter how great the natural advantages of a people; no matter how fertile the soil, genial the climate, and varied the productions; no matter how extended the territory, capacious the harbours, and commanding the frontiers; no matter how naturally excellent the mental capacity, the susceptibility of improvement, and the sterling courage and intrepidity of the community; if political tyranny sits like an incubus on the nation, that community will present, under every aspect, a most humiliating and degraded appearance, and must always be an object of pity and scorn. "Degenerated beyond recal, and polluted beyond hope, a people under this

influence sinks into remediless ruin; and only continues to exist until mercy is wearied out by their profligacy, and reluctantly gives the sign for vengeance to sweep them away."

The whole class of public virtues, such as public spirit, heroic zeal, love of liberty, and the like, must be a dead letter if men have not the power of *open resistance* to profligate governments. Those virtues can have no scope for their exercise amongst a clan of savages, or a band of slaves under the whip of a master.

The people are the fountain of all political authority and power; therefore, this must imply a right in the general body to call public servants to account for the trust reposed in them; to resist usurpations and extirpate oppression; to suspend, alter, or abrogate any particular laws, and punish the unfaithful and corrupt administrators of them. This is not only the duty of public bodies of men; but every individual member of the community, according to his station, influence, and power, ought to lend his willing and zealous support to this grand design.

The usual argument urged against the doctrine of a *right of resistance* is, that it tends to make a people restless, disaffected, and rebellious. Now, this is grounded on a great fallacy. In the first place, nothing but disaffection and rebellion can possibly follow from unqualified despotism; therefore, the people are not placed in a *worse* condition by any supposed change. In the second place, it is a well known fact, grounded on the most extensive experience, that mankind, in the mass, are never inclined for physical opposition to any form of government, without there

be great and deep-rooted corruptions in it. Scarcely any single attack upon their liberties, however pointed, will rouse them into active resistance. It is only when they see a long train of abuses, and feel the heavy pressure of one act of tyranny after another, that they become alive to a sense of their danger, and see the necessity of placing the legislative power in such hands as will effectually secure them the benefits of good and just government. In the third point of view, it may be affirmed, that the right of resistance is the only security against *open rebellion and anarchy*. All tyranny and oppression are really and properly acts of *open rebellion*; because their natural tendency is to divert the legislative power of a country from the object it was founded to accomplish; *that of promoting the public good*. When legislators violate public principles of liberty, they are guilty of *open rebellion*; for the people at large can have no security for life or property, without the protection which these principles afford them. Such law-makers take away a power which none but the people can rightly exercise; and such law-makers set up their own authority in opposition to that of the people's, for whose intended benefit they were especially and solely appointed. Thus we see that the charge of rebellion may always be justly laid to the charge of those who, under the cloak of legislation, sap the foundations of public liberty, and expose the people to all the miseries of misrule and despotism.

It may be mentioned here, in conclusion, that amongst all the writers who have adopted and defended the doctrine of *passive obedience* and *non-resistance*, there is not one who goes the whole length

of his own principles. Every one stops short somewhere; and seems shocked at the obvious conclusions which follow from his own principles. This circumstance is, in itself, a most conclusive argument for the unsoundness and outrageous nature of such doctrines; and that they are never adopted but for the purpose of giving a plausible colouring to what cannot in justice and reason be defended.

We come now to the most important point in this question of the Right to Resistance, namely, *what circumstances, or what acts of tyranny and oppression can justify open resistance?*

It must be obvious to every reader possessed of common sense and reflection, that a direct and pointed answer cannot, from the nature of things, be given to the question. It is like all matters appertaining to human life and human character, not susceptible of an invariable and positive answer, but must depend on various circumstances, events, and consequences, which require to be well known and duly weighed in the minds of men. The question of resistance to corrupt and unjust governments is precisely of the same nature as the resistance to private injury or wrong. Were we asked what was the exact portion of insult or injustice we should bear towards ourselves personally before we should be justified in taking any measures for open resistance; we should be as much puzzled in laying down an infallible rule in this case as when called on to point out the exact limits of a nation's forbearance towards its oppressors or tyrants. It must always be with a nation as with individuals; the question must be settled by the *feelings* and *judgments* of the parties interested, and the circumstances in

which both may be placed. There never can be any subject for guiding us to right conclusions on this *universal* or *infallible rule*; but there may be *general rules*, and some of these we shall now briefly notice.

First, we maintain that a people are fully justified in resisting their rulers, when these rulers no longer attend to the grand object of civil government, *that of promoting the happiness of the great mass of the nation*. Here the obvious principles of natural justice must guide our decisions and conduct. If the people, who constitute the community, have chosen men to fill important offices of trust for the benefit of the whole; if the people possess that physical force which alone can give these public officers power to influence their laws and regulations; if the people, instead of being protected, see themselves degraded, plundered, oppressed, and maltreated, and every principle of civil right violated with impunity; then, in this case, we say, that the people are morally and religiously bound to concentrate their efforts, to make common cause against the odious tyranny, and to endeavour, by their united knowledge and labours, to erect a better social fabric than the one they have. The course which it is incumbent and reasonable for a nation to follow towards its rulers is precisely the same which all men of sane minds follow in the ordinary concerns of human life. When servants either *cannot* or *will not* do the work for which they were engaged, we remove them and make other arrangements; but we never, for a single moment, conceive we are acting violently or unjustly in such a case. Just so is it with *public servants*. No matter how distinguished by birth, or knowledge, or civil dignities, if they give evident indications that

the *public weal* forms no object of their esteem or attachment, then the people are bound to take their affairs into their own hands. These circumstances are just such as were contemplated by Judge Blackstone, when he said, they formed the just reasons for "those extraordinary recourses to first principles which are necessary when the contracts of society are in danger of dissolution, and the law proves too weak a defence against the violence of fraud or oppression. *Resistance is justifiable* to the person of the prince when the being of the state is endangered, and the public voice proclaims such resistance necessary. Indeed, it is found by experience, that whenever the unconstitutional oppressions, even of the sovereign power, advance with gigantic strides and threaten dissolution to a state, mankind will not be reasoned out of the feelings of humanity; nor will they sacrifice their liberty by a scrupulous adherence to those political maxims which were originally established to preserve it."

Secondly, *public expediency* demands we should resist oppression. This forms a matter for judgment and calculation. The advantages and disadvantages of resistance must be carefully balanced and estimated, in order that the great object be attained—the *public good*. It must appear obvious to all, that mere trifling matters of wrong cannot justify open resistance. The bad effects of tyranny must be clear and numerous. Mr. Locke observes, "Whenever the legislators endeavour to take away and destroy the *property of the people*, or to reduce them to slavery under *arbitrary power*, they put themselves into a state of war with the people, who are therefore *absolved from any further obedience*, and are left to the common refuge which

God hath provided for all men against force and violence."

Another condition to justify resistance is, *that we see no other method of relief from oppression*. This, too, must be a matter for grave consideration; and many circumstances must be duly weighed before a sound conclusion can be come to. History, however, clearly teaches that it has very seldom happened that political tyranny has ever been overthrown by gentle and persuasive means. It is the nature of civil corruptions to perpetuate themselves. "To abandon," says Dr. Robertson, "usurped power, to renounce lucrative error, are sacrifices which the virtue of *individuals* has, on some occasions, offered to truth; but from any *society* of men no such effect can be expected. The corruptions of a society, recommended by common utility, and justified by universal practice, are viewed by its members without shame or horror; and reformation never proceeds from themselves, but is always forced upon them."

The last rule to justify resistance we shall allude to is, *that there ought always to be a rational prospect of success*. This is indispensably necessary. We may plead that we have justice, and expediency, and humanity on our side; but still we must make accurate calculations as to the chances of success. It is the bounded duty of all true patriots not to throw away heroism and valour upon rash or ill-concerted plans of resistance. But, at the same time, we know that it is perfectly agreeable to the ordinary course of nature, that many *apparently* fruitless attempts at resistance must take place in every country struggling for its freedom, before that freedom can be finally achieved.

As it is an inalienable right, from the very constitution of things, that a nation should have the power to form a constitution, and to appoint suitable persons to carry its provisions into operation; so it is equally a right, upon the same grounds, that the community at large should possess the power to revise and amend their system of civil polity whenever they think proper to do so. If human plans of government were originally perfect, and man himself invested with absolute rectitude, this right would not need be insisted on; but as everything human is more or less imperfect, the obligation to strive for the greatest possible good becomes imperative upon all men in a state of society. Some writers plainly tell us that when a political compact is once formed, entered into, and brought into operation, it ought not to be altered or disturbed in any way whatever. Such an opinion is the most absurd imaginable. It lays the axe to the root of all rational government. If you have not an inherent right to change or amend a government, of whatever description it may be, it is only, in other words, to maintain the doctrine of Divine right or usurpation. There is here no middle or qualified course to steer. The *principle* of the right of interference must be taken in all its fulness or rejected at once. It has been justly remarked by a political writer of considerable distinction, that "men are destined to improve on their lot, and on their first inventions, and no more acquiesce in the first defective forms of society than they do in the first practice of any mechanical art. We state the condition of rude society as the material on which the genius of man is to work, not as a finished production with which he is for ever to remain contented."

Such vital questions as we have just glanced at, were the burden of a great part of the political literature, published from the commencement of the Reformation till the settlement of the House of Hanover on the British throne. These questions were severally handled and discussed by men of the greatest talent and genius; and their writings, on the whole, have certainly proved highly instrumental in the promotion of enlightened and liberal opinions on governments generally; though many of them had to bear the charge of sedition brought against them, and even of blasphemy itself.

When the revival of letters in Europe took place, and the Greek and Roman writers became the constant companions of the learned, a new element was thrown into political speculation; and a more elevated standard of political right and wrong was erected for the guidance of public opinion. A wider range of history was exhibited before men's minds, and they discovered from its pages, that injustice and cruelty, and freedom and happiness, were not merely ideal things; but responded to by the deeply-rooted feelings of mankind, in all ages of the world. The ancient writings abounded with numerous examples, where arbitrary power was crushed, and popular institutions founded on its ruins; and these examples were set forth with all the glowing ornaments and impassioned feelings of true poetry and eloquence. When, therefore, the classical works of antiquity became the daily manuals in the hands of every professor of a college, and the elementary food of his numerous and ardent pupils, it is easy to perceive that all political questions of a purely abstract nature, would be viewed through a novel and interesting medium.

Cosmo de Medici came into power in Florence about the year 1420. He was an ardent admirer of Grecian literature, and was highly instrumental in obtaining complete copies of the works of Aristotle and Plato, two of the chief political speculators, whose writings have survived the ravages of bygone ages. Cosmo sent parties to Constantinople in search of Greek manuscripts. In 1423, all the works of Plato, Proclus, Plotinus, Xenophon, and others, were obtained, and great was the joy and excitement throughout all the seminaries of learning in Europe, at this happy event. Italy took the lead in discussing the merits of the Grecian sages. Gemistus Pletho, Marsilius Ficino, Cardinal Bassarion and others arraigned themselves on the side of Plato, and his philosophy generally; while Theodore Gaza and George Trebisond stood boldly forward in defence of the doctrines and opinions of Aristotle. A fierce intellectual conflict was the consequence. And though no small portion of the violent controversies of the times hinged more upon the direct and general bearings of mental philosophy and its kindred studies, yet the principles of politics, taken in their widest range, were occasionally discussed and developed, with a minuteness and acumen never before witnessed in the seats of European learning and science. The ancient systems of polity were examined and commented upon from various and opposite points of view; and opinions in favour of the great importance of this branch of knowledge to the permanent interests of mankind, were gradually, year by year, extending themselves throughout the great body of thinking men of the age, whether lay or clerical. The just notions entertained by Lorenzo de Medici, grandson of Cosmo, on the abstract and funda-

mental principles of legislation and government, were likewise eminently influential in not only extending the liberties of the republic of Florence, but in influencing the general current of European thought on the subject. Lorenzo was a passionate admirer of Plato's republic, and his views of the nature and offices of law, in its philosophical bearings. This is obvious from his celebrated "*Altercazione*," a poem explanatory of the leading doctrines of Platonic speculation.

We can scarcely expect to find that the majority of those philosophers and scholars of Italy, who figured at the revival of letters, and were enraptured with Grecian studies, should present us with bright examples of liberal opinions carried out into practical life. Theory and practice are often at variance, and we have frequently the great mortification to witness the surprising discrepancies between a man's abstract principles and his every-day conduct. Here and there we find among the ardent spirits of Italy, bold doctrines propounded, and novel schemes of policy entertained; but there always seemed a sufficient power at hand to check their growth and extension among the community at large. Lorenzo de Medici, himself, indulged in the most extravagant exultation when his son, only seven years of age, was made a cardinal; and Bembo and Sadoleti subscribed with their own hand the most despotic and unprincipled edicts from the court of Rome, aiming at the entire extinction of liberal and enlightened sentiments of public freedom among mankind.

Thus we see that old institutions and antiquated ideas fell rapidly in this era of keen political inquiry

into neglect and disuetude. For many centuries there were certain clear, distinct, and definite conceptions of the nature and offices of all governments; but these became, one by one, matters of doubt; they were analysed and examined on every side, and were ultimately repudiated and proscribed as inimical to human reason and the interests of society. This ushered in a strange period—strange both as to politics and social life. The strongholds of power were attacked by skilful writers and profound thinkers at various points; and those political alliances and hereditary organisations, which had governed men for many centuries, were riven asunder, and an epoch, marked by transition, bold speculation, and revolution, ensued. New creeds of polity were framed, full of the elements of change. These creeds became the centres of political life, and the fundamental axioms of dynastic rights, and new charters of liberty and independence. The novel elements of speculation penetrated into every corner of the social fabric; and new combinations of ideas, and corresponding innovations of language, were required by politicians to express and represent the changes. A political fraternity entered into the arena of legislation. Convictions of the soundness of some spiritual idea, some first principle, some definite creed, were indispensable for calling into activity the public mind and spirit of a nation. This ardour for inquiry was all dominant. It triumphed over every obstacle. It manifested its power by small beginnings; but it soon took hold of the public mind of Europe, and fertilised, more or less, every part of it. Like some noble river, clear and pellucid at its source, that winds its devious course through various tracks—now pausing

on its pebbly bed, now shooting arrow-like along—now widening and swelling into deep lake-like pools—now bearing down everything before it—till at last it pours its full volume of waters into the great ocean itself. Thus it was that writers on politics were gradually led to take a bolder position on the platform of public opinion, and to advocate systems of government, more simple and efficient in their principles, than the older elements of the Roman and middle age civilisation presented.

Hence it is, that this era we have now entered upon is that in which political party-writing took its rise, and became more distinctly and minutely shadowed forth. Parties there have always been in every age and state, and ever must be, from the constitution of human nature; but in modern times they have assumed a different aspect from what they did when sheer brute force and mental depression were their chief causes and supports. As ideas of government became more generally and better understood, and their various influences on the several grades of society were more accurately and systematically traced, public opinion became divided, and partial and limited views of state polity, and the principles which regulate social intercourse, were adopted by writers and thinkers in every country in Europe. There was more national and local individuality given to their speculations. Political discussions flowed into particular channels. This gave rise to great parties in every state; the aggregate of those national ideas and volitions which have given decided tendencies towards certain fixed principles of action, and particular modes of government. Writers were guided by certain class

ideas—often but obscurely defined, and unsteadily adhered to—and these served as rallying points of argument, and party distinctions. All agitation, all movement, ranged itself under some common notion, or abstract conception; and though the sphere of political knowledge was, by this means, vastly extended, it also, in some degree, lost its concentrated unity and power.

Party writers and philosophers on politics, may be arranged, setting aside their less prominent characteristics, under two great divisions; the one under the influence of progressive change and improvement, and the other of a stationary or conservative cast. These two orders of writers and thinkers can be traced in the political literature of every country, though not existing under any specific or assumed form. Their antagonistic ideas can be distinctly recognised. Though their reasonings and aims are varied by the outward circumstances under which both classes lived, nevertheless the respective distinctions by which each class is known, are essentially the same. The progressive order or school adopts and acts upon the maxim, that there is a principle of development in human society, and in the intellectual constitution of man; and that the machine of government can be so adjusted as to derive great additional power and facility in its movements, by adapting itself to this innate tendency of human nature towards improvement. It would regulate itself to a people's advancement in knowledge, and the ever-changing habits of social life. This coalition is, in fact, indispensable to the real advancement of nations. It is the germinating power—the parent of great ideas and liberal sentiments. The

retarding or conservative policy though it does not absolutely deny the existence of this aptitude to civil improvement, nevertheless treats it as a matter not to be taken into account, when discussing the vital interests of society. It generally sets itself, therefore, against innovations, both speculative and practical. Whatever is, is here right. To alter, to improve, to change, is not its character. Yet the leading idea on which the conservative class of political writers act, is a great idea, and is of vital importance to all societies; inasmuch, as it imparts to the judgments and habits of a nation, permanency, fixity of purpose, and a sustaining and enduring power.

These two opposing powers, under which the general run of political writers may be classified, must necessarily exist at all times, under whatever form accidental circumstances may impart to them. Sometimes the one predominates for a series of years, and sometimes the other; and the degree of vitality which each may exhibit for the time being, marks the particular cast of political opinions and sentiments which then prevailed in any country. When the leading idea, either of a conservative or progressive cast, gets worn out, some slight national shock or movement will throw them into the shade; and then something else, having the *prestige* of novelty, will seize hold of the public mind, and engross it for, probably, an equal length of time, with more or less intensity. But an essential difference soon begins to distinguish itself in the two antagonistic principles. The progressive outlives the other. All history is confirmatory of this fact. The conservative may retard, but cannot permanently arrest the march of improvement and change.

There is but one mode of standing still, but many in moving forward. All political writers who have been in advance of their age, have been the most distinguished and popular; and have their names emblazoned with a more vivid halo of glory than those of their rivals. Conservative writers, though often a most valuable and seasonable check upon the too rapid desire for innovation, have but one idea. It is a unity of itself. Progression, on the other hand, involves a great diversity of ideas. It is a congeries of plans, rather than a single design; including as many aspects as there are phases in the human intellect.

This period of the history of political writings was not only that in which party-spirit was more distinctly formed and developed; but that in which political science itself, as a totality, became split up into various sections or divisions, which were often individually prosecuted with great ardour and success, and each laid claim to an independent status and character in the *role* of philosophical inquiry. The principle of the mechanical distribution of labour was here exemplified, and its application was made subservient to the extension of particular departments of political speculation. This was, in many respects, a great advantage; for, by enabling individual minds to cultivate their respective lines of investigation with undivided attention, the writings of politicians became more diversified and interesting. But this turn given to abstract inquiry was not without its inconveniences and drawbacks. As these separate topics of investigation were hewn out of the entire body of the science, it too often happened that their individual interest overtopped the interest which politicians

should have felt in the whole science; and, consequently, this one-sided view often led to erroneous and partial estimations of the great end of all political knowledge and science. The isolated and the individual were identified with the comprehensive and the general. The more that polity became divided into sections of independent inquiry, and were taken up by different classes of writers, the more the public attention was bewildered, and driven aside from abstract principles and general results. This increase of matters of detail became too unwieldy for the writers of political science generally to manage. Modern legislation, in every country of Europe, and particularly in our own, can furnish innumerable examples of the pernicious effects arising from this want of union between the abstract and the particular—the scientific and the practical.

The art of Printing came into general use, between the years 1460, and 1500, in most of the countries of Europe. The art took its rise in Germany; and the first book printed from moveable wooden types made its appearance about the year 1450. It is unnecessary to dwell upon the manifold advantages that have accrued to political literature and science, from this important invention. They are patent to every reflecting mind, and acknowledged by every nation. They have secured the world from any retrograde movement, either in reference to political information or general knowledge; and are, year by year, more fully developing themselves for the best interests of mankind.

In addition to the three principal causes of political progression, the Reformation, the Revival of Letters, and the Art of Printing, there was a fourth of nearly equal

efficiency, namely; the extension of geographical knowledge. The discovery of America, and the trading expeditions to India, opened up a wide field for the enterprise of the more bold and resolute spirits of the old societies of Europe. Boundless regions, rich with all the elements of wealth, were subjected to new modes of government, and new rules and maxims of civil law and jurisprudence. After the discovery of these great parts of the globe, the spiritual idea, if we may so call it, embodied in all true political philosophy, became overlaid by the material interests and opinions of governments. This idea was forcibly made to play a subordinate part in the great business of life. Now began to flow the vast tide of physical knowledge, interests, and pursuits, which sometimes submerged, and always augmented the difficulties of social problems. Still these material agents produced in the long run substantial benefits, by furnishing many additional requisites to man's comfort and progress. The peopling of extensive territories with a moral and intellectual race of men, impelled an increase of mechanical skill and appliances, which directly placed the industrious man in a state of comparative independence and freedom.

The section of time we are now upon the point of examining, is likewise characterised by the great influence which historical writing exercised over political speculations and discussions. This was a new element thrown into society. History here puts forth its claim to teach the politician from the past to the future; both as to purely abstract principles, and practical statemanship. The philosophical spirit which historians imbibed, opened up fresh views of social

relations, and vastly extended the mental horizon of public men and legislators. Historical details became more closely allied to important topics of reflection; and the methods of studying national annals were both multiplied and perfected towards the more general extension of sound knowledge.

History, being thus made subservient to the science of government, widened the field of observation, and became a wholesome corrective to political information. It unfolded the active and stirring principles of congregated numbers. Here a social confederacy was scanned and criticised; and its wants, its passions, and its aspirations, became the topics of earnest and steady contemplation. The eyes of thinking men were drawn from the consideration of the remote principles of the individual and inward man, to those of the multitude; how they act in war, in trade, in civil commotions and contests; and under the influence of progressive power, riches, and distinction. The materials for reflection are here so numerous, that a boundless range is allowed for remark and observation. Knowledge is carried forward from one nation to another: and the philosopher's information respecting the past transactions of states and communities, is gradually systematised and tested for the benefit of succeeding reasoners and public writers. History, politically considered, developes the orderly affairs of national progression, and seeks for the causes of phenomena from the wants, ideas, passions, and general intelligence of a people. It draws the minds of men from incidental and minor matters; and shows that the permanent and valuable institutions of every country, may be attributed to the constant and regular influence of general laws, and

not to causes of a purely accidental or personal character. It takes the political reasoner by the hand, and shows him the mixed nature of human principles and actions;—the good and the evil;—the salutary and the pernicious;—and tells him to sift and inquire for himself, among the complicated mass around him; and likewise deeply impresses on his mind, that it is only by the most careful and patient induction, that he can arrive at valuable and lasting truths. He will be taught to classify and arrange;—to separate the general and universal, from the casual and incidental; and to give that scientific precision to his thoughts, in which all true wisdom chiefly consists.

The advantages which history confers upon political science, by the modern mode of treating of facts and events, are not, however, without their drawback. History, to be really usefully applied, must be free from the hasty and injudicious applications of authority and precedent. The mind is perpetually liable to be influenced by false or imperfect analogies. We see this displayed in every stage of political writing and discussion. Some individual and striking circumstance is laid hold of to explain and determine the nature of every movement in society, without taking into consideration that there are scarcely ever two cases alike; certainly, never two phases of human institutions that are not associated with material differences in their characters and formation. Historical facts are all susceptible of various interpretations, and they influence the line of general argument at numerous divergent and angular points. They are ever liable to be interpreted not upon their own intrinsic merits, but in accordance with some preconceived, or partially deve-

loped, theory of general polity. To make historical details really valuable for the ground-work of political maxims, we must look beyond the particular; beyond heroes, and legislators, and monarchs, and conquerors, all of whom often stand out in bold relief in the pages of the historian; and, by patient study, direct the mind's eye to those general and disconnected events which distant times may have thrown around all such prominent actors on the world's theatre. In every stage of political literature we shall see innumerable instances of errors arising from the want of attending to such precautions.

To chronicle, for the use of succeeding ages, the progress, and the great movements of social existence, as exemplified by the political writings of civilised nations, requires, therefore, great care, and scrupulous accuracy in giving every series of facts that just proportion of interest which they legitimately demand. The historian's mind should be as free as possible from prejudice, party feeling, critical rancour, and whimsical crotchets. He ought neither to warp or resist evidence, to bolster up any personal fancy or unworthy purpose. He should keep a watchful eye upon all the conclusions of his own judgment; and to take especial care that he gives to all who have essentially assisted to rear the great fabric of political science in every age and country, that due portion of attention and commendation to which they are fairly and justly entitled.

Before closing these preliminary observations, we shall offer a word or two by way of summary, relative to the general external condition of the world, at the moment of history from whence we now take our departure. The early and middle ages were now thrown

into the background, and an entirely changed aspect of public affairs was to be ushered in. America was undiscovered; the hidden treasures of Mexico and Peru undreamed of. The Moors still retained possession of the most valuable portion of Spain. The Hanseatic League was in the fulness of its strength, but showed incipient signs of decline. The Russian empire was then, like the great Sahara of Africa now, a land unknown and untrodden by civilised man. The Prussian States, as now constituted, were only looming in the distance. Poland was strong and powerful; and Hungary the outward bulwark of Christendom. Constantinople, though tottering at its base, was still in the hands of the Greeks. Henry V. was king of England, and a part of France belonged to his crown. The bloody struggles and contests between the Houses of York and Lancaster had not commenced. The old Norman nobility were still powerful vassals of the king, and displayed all their feudal power and grandeur. The commercial and manufacturing cities of Holland and Belgium were in full vigour; enjoying, to the utmost extent, their somewhat rude and general freedom; and the republics of Italy monopolised all the trade of India and the East. At the head of these was Venice—the Queen and City of Waters—with her unbounded commerce and wealth, and her mysterious government; a city, which our great bard of Avon thus describes:—

“ Your mind is tossing on the ocean;
There, where your argosies with portly sail,
Like signiors, and rich burghers of the flood,
Or, as it were, the pageants of the sea,
Do over-peer the petty traffickers
That curt’sy to them, do them reverence,
As they fly by them with their woven wings.”

Such was the general aspect of the world at the commencement of the series of sketches we are now about to offer on the writings of the great expounders of European politics; writings which contain principles never to be effaced from the minds of mankind to the end of time.

CHAPTER II.

POLITICAL LITERATURE OF GREAT BRITAIN, FROM 1400 TILL THE YEAR 1700.

SECTION I.

From Henry V. to the termination of the reign of Elizabeth.

FROM the commencement of the fifteenth to the termination of the seventeenth century, the political literature of Great Britain is particularly interesting; interesting on account of its intrinsic merits as a development of the entire science of politics; and interesting on account of the fearful struggles it had to make, and the personal sacrifices it demanded from its expounders. When we cast a retrospective glance over this portion of our national history, and contrast it with subsequent periods of it, it presents a stern and gloomy aspect. Every general principle was contested in the midst of blood and suffering; men having often to contend against error and oppression, with the pen in one hand and the sword in the other. Every step of this literary progress calls forth the most thrilling emotions; and pointedly shows what a deep and absorbing interest the love of truth can

exercise over the noblest and most highly gifted intellects. Such a fact conveys an impressive lesson to all succeeding ages.

From the reign of Henry IV. to Henry VIII., commencing in 1399 and extending to 1509, there were no political works of a scientific class produced in England worthy of much notice. In the chief seats of education, general polity was sometimes dwelt upon; but what was here publicly taught, or published in written class-books, was chiefly borrowed from the stores of the scholastic writers of preceding times; and consisted of illustrations of a few maxims of civil law, remarks on the ancient systems of government in Greece and Rome, and some incidental notice of the politics of the Saxon and Norman dynasties.

A popular political feeling began, however, to manifest itself in England soon after the commencement of the fifteenth century. English books began to be written, particularly against the Roman hierarchy. There was one publication, called "The Lantern of Light," (1415) which excited much attention. It represented the pope as antichrist, and maintained the papal decrees were of no authority or force. It represented the archbishops and bishops as the seats of the great beast in the Revelations, who sat and governed despotically. The Roman courts were his head, the mass of the clergy his body, and the friars, monks, and canons, his tail. The work enforces the great truth, that the christian laity were maltreated and persecuted from two principal sources—the excess of temporal power in the hands of the church, and the system of begging among the friars. This work, it is said, was found in the house of a feltmonger, plainly

written in English, and neatly bound in red leather. The person who had it could not read, but had it read to him; and so wedded was he to the truths it contained, that he suffered a confinement in Conway Castle for two years, and in the Fleet prison other three years, rather than abandon his creed. Wickliff's tracts, belonging to Sir John Oldecastle, were seized in 1413, in Paternoster Row, and taken to Henry V., at Kensington Palace, who, after reading a few pages of them, expressed his horror at the doctrines they contained. There was another work of much the same character, found at Coventry; and, indeed, works of this description became so common, that the public authorities, when persons were arrested, invariably asked them, "whether they ever had in their houses or custody any books *written in English*?"

There were several learned men opposed the reform doctrines, promulgated by Wickliffe and his followers. The chief of these were Thomas Ashburn, Bankins, an eloquent Dominican friar, Richard Maydesley, and William Woodford. And, in addition to these individual efforts to repress a political change of opinion, the University of Oxford, appointed twelve magisters to examine the works of Wickliffe; and in 1412, decided that there were two hundred and sixty-seven erroneous and heretical conclusions in them, all of which were "*guilty of fire*."

Thomas Netter, of Waldon, was the most able and systematic writer on the ecclesiastical and civil claims of the papacy. His work is called "*Doctrinale*," &c., in three volumes folio; and has often been reprinted since, at Paris, Salamanca, and Venice.

Political authorship, was at this period, a perilous

occupation. In 1418, it was enacted that all judges, justices of the peace, sheriffs, mayors, bailiffs, and all who had any share in the administration of the laws, should search after, and labour diligently in apprehending, all persons convicted of heresies, and particularly of having in their possession, *books written in English*. These offences were not unfrequently punished by death*. In addition to law, ridicule was employed to repress the spirit of reformation; and the metrical verses against the Lollards show how earnestly and zealously the government of the day, entered into repressive schemes for the suppression of public opinion. In one of these ballads we have the following sentiments:—

“For Holy writ beith witness,
 He that false is to his king,
 That shameful death and hard distress
 Shall be his doom at his ending.
 Then *double death* for such *lollyng*
 Is heavy when we shall heav’n eye,
 Now, Lord, that madest of nought all things,
 Defend us from all lollardie†.”

SIR JOHN FORTESQUE.—The works of Sir John Fortesque are well entitled to the particular attention of the politician. The author was a principal councillor in the court of Henry IV.; and for his devotion to that monarch he was attainted by the parliament under Edward IV. In the year 1463 he fled to Flanders, where he wrote his famous book, “*De Laudibus Legum Angliæ*.” The work is in the form of letters to a prince. His object is to show the prince the great superiority of the English laws over those of other

* See Wilkin’s *Concilia*, vol. 3.

† Cotton Library, b. 16.

countries; and he furnishes a test of this, by pointing out the superior manner in which the common people lived in England, compared with persons in a similar situation in France.

Sir John was the author of another work of a more abstract nature; namely, "The Difference between an Absolute and a Limited Monarchy." He enters very fully into the nature of absolute power; showing its withering and blighting influence on social happiness; and endeavours to prove that true and rational freedom can be obtained from a limited and constitutional monarchy, with more certainty and steadiness, than from any other mode or form of government. In the third chapter, will be found a very lengthened description between the French and English mode of living, a part of which we have mentioned in a previous volume of this work.

When, however, the reign of Henry VIII. had advanced a few years, the doctrines of the Protestant reformation in Germany, made their way to Britain, and the king, for various reasons which the histories of the times detail, opposed the tenets of Luther with might and main. The monarch actually wrote and published a book in opposition to the new reformed notions, which obtained for him the title from the Pope, "*Defender of the Faith*." But personal circumstances soon made the zealous king one of the most redoubtable enemies of the Church of Rome. Of the various incidents, and the important public consequences which resulted from this quarrel between Henry and the Papal See, we shall take no further notice, as they lie beyond the sphere of strict politics, and properly belong to the department of regular history.

Thus it was that, up to the reign of Henry VIII., the science of politics, with the exception of Lord Fortesque's work, formed but a very insignificant portion of English literature. Not but that there were many valuable principles of polity, many theoretical notions of general government, and many profound observations on what constitute the true strength and happiness of nations, scattered up and down among the mass of our legal and speculative knowledge; but as yet no method nor order was imparted to these political elements. The nature and tendency of all the social and governmental institutions of our country, as well as the general bent of men's minds, were decidedly against the discussion and elaborate investigation of abstract principles of politics. Everything was local, temporary, national and divided. Men were not yet accustomed to throw their eyes beyond the limited horizon of their own individual sphere, or wander beyond what most immediately concerned their own comfort, security, and interest.

It is requisite to observe here, that the public press gained little strength for many years after its first introduction into England. The government of the day viewed it with great jealousy and distrust. Henry VIII. kept it in check, and limited its exercise to the production of bibles, prayer-books, and controversial tracts against the Catholic faith. In the following reign of Queen Mary, the printing of books was confined to a privileged company, regulated by stringent rules, and placed under the direct authority and control of the Star Chamber.

As an illustration of the spirit of the times, relative to the value of book-learning, and general information

on public matters, we shall insert a proclamation from Harry, on the subject. It is both amusing and instructive.

A PROCLAMATION.

..... nse Junii Anno regni metuendissimi Domini nostri Regis Henrici Octavi xxij.

A PROCLAMATION, made and divysed by the Kyngis Highnes, with the advise of His Honorable Counsaile, for dampning of erronious bokes and heresies, and prohibitinge the havinge of Holy Scripture translated into the vulgar tongues of englishe, frenche, or duche, in suche maner as within this proclamation is expressed.

The Kinge, oure most dradde soveraigne lorde, studienge and providynge dayly for the weale, benefite, and honour of this his most [n]oble realme, well and evidently perceiveth, that partly through the malicious suggestion of our gostly enemy, partly by the yvell and perverse inclination and sedicious disposition of sundry persons, divers heresies and erronio[us] [o]pinions have ben late sown and spredde amonge his subjectes of this his said realme, by blasphemous and pestiferous englishe bokes, printed in other regions and sent into this realme, to the entent as well to perverte and withdrawe the people from the catholike and true fayth of Christe, as also to stirre and incense them to sedition and disobedience agaynst their princes, soveraignes, and heedes, as also to cause them to contempne and neglect all good lawes, customes, and vertuous maners, to the final subversion and desolacion of this noble realme, if they myght have prevayled (which God forbyd) in theyr most cursed [p]ersuasions

and malicious purposes, where upon the kynges hignes (*sic*), by his incomparable wysedome, forseinge and most prudently considerynge, hath invited and called to hym the primates of this his gravis realme, and also a sufficient nombre of discrete, vertuous, and well-lerned personages in divinite, as well of either of the universities, Oxforde and Cambrige, as also hath chosen and taken out of other parties of his realme; gyvinge unto them libertie to speke and declare playnly their advises, judgmentes, and determinations, concernyng as well the approbation or rejectyng of suche boke as be in parte suspected, as also the admission and divulgation of Olde and Newe Testament translated into englishe. Wher upon his highnes, in his owne royall person, callynge to hym the said primates and divines, hath seriously and depely, with great leisure and longe deliberation, consulted, debated, inserched, and discussed the premisses: and finally, by all their free assentes, consentes, and agrementes, concluded, resolved, and determyned, that these boke ensuyng, that is to say, the boke entituled the wicked Mammona, the boke named the Obedience of a Christen Man, the Supplication of Beggars, and the boke called the Revelation of Antichrist, the Summary of Scripture, and divers other boke made in the englisshe tonge, and imprinted beyond y^e see, do conteyne in them pestiferous errours and blasphemies; and for that cause, shall hensforth be reputed and taken of all men, for boke of heresie, and worthy to be dampned and put in perpetuall oblivion. The kingis said highnes therfore straitly chargeth and commandeth, all and every his subjectes, of what astate or condition so ever he or they be, as they wyll avoyde his high indigna-

cion and most grevous displeasure, that they from hensforth do not bye, receyve, or have, any of the bokes before named, or any other boke, beinge in the englisshe tonge, and printed beyonde the see, of what matter so ever it be, or any copie written, drawen out of the same, or the same bokes in the frenche or duche tonge. And to the entent that his highnes wylbe asserteyned, what nombre of the said erronious bokes shal be founde from tyme to tyme within this his realme, his highnes therfore chargeth and commaundeth, that all and every person or persones, whiche hath or hereafter shall have, any boke or bokes in the englisshe tonge, printed beyond the see, as is afore written, or any of the sayde erronious bokes in the frenche or duche tonge: that he or they, within fyfene dayes nexte after the publisshynge of this present proclamation, do actually delyver or sende the same bokes and every of them to the bisshop of the diocese, wherin he or they dwelleth, or to his commissary, or els before good testimonie, to theyr curate or parissh preest, to be presented by the same curate or parissh preest to the sayd bisshop or his commissary. And so doynge, his highnes frely pardoneth and acquiteth them, and every of them, of all penalties, forfeitures, and paynes, wherin they have incurred or fallen, by reason of any statute, acte, ordinaunce, or proclamation before this tyme made, concernynge any offence or transgression by them commytted or done, by or for the keypnge or holdynge of the sayde bokes.

Forseen and provided alwayes, that they from hensforth truely do observe, kepe, and obey this his present gravis proclamation and commaundement. Also his highnes commaundeth all mayres, sheriffes, bail-

liffes, constables, bursholders, and other officers and ministers within this his realme, that if they shall happen by any meanes or wayes to knowe that any person or persons do hereafter bye, receyve, have or deteyne any of the sayde erroneous bokes, printed or written anywhere, or any other bokes in englisshe tonge printed beyonde the see, or the saide erroneous bokes printed or written in the french or duche tonge, contrarie to this present proclamation, that they beinge therof well assured, do immediatly attache the saide person or persons, and brynge hym or them to the kynges highnes and his most honorable counsayle; where they shalbe corrected and punisshed for theyre contempte and disobedience, to the terrible example of other lyke transgressours.

Moreover his highnes commaundeth, that no maner of person or persons take upon hym or them to printe any boke or bokes in englisshe tonge, concernynge holy scripture, not before this tyme printed within this his realme, untill suche tyme as the same boke or bokes be examyned and approved by the ordinary of the diocese where the said bokes shalbe printed: And that the printer therof, upon every of the sayde boke beinge so examyned, do sette the name of the examynour or examynours, with also his owne name, upon the saide bokes, as he will answere to the kynges highnes at his uttermoste peryll.

And farthermore, for as moche as it is come to the herynge of our sayde soveraigne lorde the kynge, that reporte is made by dyvers and many of his subjectes, that it were to all men not onely expedyent, but also necessarye, to have in the englisshe tonge both the newe testament and the olde, and that his highnes,

his noble men, and prelates, were bounden to suffre them so to have it: His highnes hath therfore sem- blably there upon consulted with the sayde primates discrete, and well lerned personages in divinite forsayde, and by them all it is thought, that it is not necessary th to be in the englisshe tonge, and in the handes of the commen people; but that the distrib . . . the said scripture . . . denyenge therof dependeth onely upon the discretion of the superiours, as to the malignite of this present tyme, with the inclination of the people to erroni the olde in to the vulgare tonge of englysshe, shulde rather be the occasyon of people, than any benefyte or commodite to warde the weale of their soules. And e have the holy scripture expounded to them by preachers in theyr sermons, ac this tyme, All be it if it shall here after appere to the kynges highnes, that his sa rse, erroneous, and sedicious opinyons, with the newe testament and the olde, corrup ge in printe: And that the same bokes and all other bokes of heresy, as well . . . termynate and exiled out of this realme of Englande for ever: his highnes e great lerned and catholyke persones, translated in to the englisshe tonge, if it sha[ll] then seme t . . . conv . . . his highnes at this tyme, by the hoole advise and full determination of all the said primates, and . . . discrete and subs . . . lerned personages of both universities, and other before expressed, and by the assent of his nobles and others of his moste hon[orab]le Counsayle, wylleth and straitly commaundeth, that all and every person and persones, of what astate, degre, or condition so ever he or they be, whiche hath the newe testament or the olde trans-

lated in to englysshe, or any other boke of holy scripture so translated, beyng in printe, or copied out of the bokes nowe beinge in printe, that he or they do immediatly brynge the same boke or bokes, or cause the same to be broughte to the bysshop of the dyocese where he dwelleth, or to the handes of other the sayde persones, at the daye afore limytted, in fourme afore expressed and mencioned, as he wyll avoyde the kynges high indignation and displeasure. And that no person or persons from hensforth do bye, receyve, kepe, or have the newe testament or the olde in the englisshe tonge, or in the french or duche tonge, excepte suche persones as be appoynted by the kinges highnes and the bisshops of this his realme, for the correction or amending of the said translation, as they will answere to the kynges highnes at theyr uttermost perils, and wyll avoyde suche punisshement as they, doynge contrary to the purport of this proclamation shall suffre, to the dredefull example of all other lyke offenders.

And his highnes further commaundeth, that all suche statutes, actes and ordinances, as before this tyme have been made and enacted, as well in y^e tyme of his moste gracious reigne, as also in the tyme of his noble progenitours, concernyng heresies, and havynge and deteynyng erronyous bokes, contrary and agaynst the faythe catholyke, shall immediately be put in effectuall and due execution over and besyde this present proclamation.

And god save the kynge.

SIR THOMAS MORE.—The political work of Sir Thomas More, called "Utopia," was written in 1516,

and is among one of the first English works on the science of general polity. The opinions which have been entertained by politicians and critics, as to the precise aim and object of this celebrated publication, have been various and conflicting. The performance itself is allegorical; and therefore the reader can only form his notions of the author's real sentiments and opinions, from inference and conjecture. But to a mind that is tolerably informed on the ordinary topics of political institutions, ancient and modern, there can be little difficulty in recognising the real meaning and allusions of the learned author. His soul was filled with virtuous indignation at the outrages and profligate politics of the times in which he lived, and particularly those of his own country; and he aimed at their exposure by the only means in his power—fictitious narratives and disquisitions.

The Republic of Plato is said to have formed the ground work of most of the general statements and principles found in the "Utopia." This, to a certain extent, may be true; but the two works differ in many essential particulars. The institution of marriage, the modest relations enforced between the sexes, and the absence of civil castes, take More's work out of the same class with that of the Grecian philosopher's. Besides, the "Utopia" gives some important illustrations of the salutary influence of the christian system upon the general principles of legislation.

Utopia is represented as a healthful and beautiful island in the Atlantic ocean; whose people are peaceful, their manners and habits simple, their laws those of nature, and their religion constituted of love and charity. The citizens are all well educated, the

utmost liberty of thought and speech is allowed, their warfare is entirely defensive, and capital punishment unknown.

The basis of the government is of an elective caste. Over every thirty families there is a person called a *philarch*, and to every ten philarchs a protophilarch. The council of protophilarchs, who are the senate, are elected yearly; and the chief magistrate is elected for life by these two assemblies; but should the magistrate merit dismissal, this can be effected by a majority of the members of the two legislative bodies. Labour and property are common in Utopia; and each member of society makes his wants the precise measure of his desires. The clothing of the people is chiefly distinguished for comfort and durability; money is unknown; and intellectual exercises and pleasures the highest objects of esteem and ambition. Music lends her charms to the communal feasts of the people, and banqueting halls are perfumed with delicious odours. Manufactures and agriculture are blended together; and every man, besides taking a share in the cultivation of the soil, employs a certain portion of his time at some one or more of handicraft trades, such as linen and woollen weaving, or the trades and arts connected with architecture. Every family makes its own clothes; and the general custom is, that trades descend from father to son, but this rule is not pointedly insisted on. No member of the society labours more than six hours a day.

The fourth book of More's "Dialogue Touching the Pestilent Sect of Luther and Tindal," (1530) contains his opinions on the nature of civil and religious liberty. He considers the adherents of Luther as

anarchists and rebels of the most dangerous caste; and men who think *all rule and authority only tyranny*. "Now, was thys doctrine in Almayne of the comen uplandish people so pleasantly harde that it blinded them—and these gathered them together a boisterous company of that unhappy sect, and first rebelled against an abbot, and after against a byshop; wherewyth the temporal lords had good game and sport, tyll those uplandish Lutherans set also upon the temporal lords, and then they slew upon the point of lxx thousand Lutherans in one somer, and subdued the remanant of that part of Almayne to a right miserable servitude." Sir Thomas maintains that the rise of the Lutherans was "a great token that the world is nere an end." He calls them "a bestly sect," more abominable than ancient "Heretics, and even than Mahometans," and adds "that the chyefteyns of these execrable heresyys both teake and use more sensuall and lycentyous lynynge than ever did Marhomet." Then, as to the "Burnynge of Heretykes," he says "The fere of these outrages, and myscheeves to followe upon such sects, with the profe that we have had in some countrees thereof, have been the cause that prynces and people have been constrayned to punnysh heretykes by terrible dethe."

SAMSON, Bishop of Chichester, wrote his work against the supremacy of Rome, about 1530. The treatise was designed to support the authority of Henry VIII. against the power of the pope. Samson maintains that all history, as well as common sense, go to establish the position, that kings should take precedence over the clergy; and he then goes with the general argument, whether there be any real foundation for

the statement that the pope is the successor of St. Peter. The people are recommended to obey and honour the king, as the supreme head of the church and the nation, and to renounce their obedience to the see of Rome.

CARDINAL POLE, wrote his "Pro Ecclesiasticæ Unitas Defensione" (1535) partly in answer to Samson, and partly to insult and annoy Henry. In this work the cardinal takes the opposite view of ecclesiastical power. He says: "The priest is understood, *maxime eminere*, above all things; without them the king *nihi/ possit*." "Many nations have lived very comfortably without kings, but no nation has lived without a priest." "I doubt whether I ought to call the clergy the ambassadors of the people to God or from him to the people; or whether I ought not even to *call them gods themselves*. No one can doubt that kings are in all things inferior to them in dignity. It is the people that create a king." "But the priest bears the person of a father as to the king, and is in all respects greater than the king."

Bishop Fox, in 1534, published his "De Vera Differentia Regiæ Potestatis et Ecclesiasticæ," which was soon after translated into French, by Lord Stafford. This is a work of considerable erudition, but not very well reasoned out.

There seems to have arisen in Scotland, in the early part of the fifteenth century, a decided turn for political discussion and innovation; at an earlier period, in fact, than what we witness in England. The reformers, north of the Tweed, were resolute and firm, and had intensely fixed their attention on several cardinal principles of liberty, which they were anxious to see the government of the day recognise and adopt. The politi-

cal writers of this portion of the island, at this period, were not characterised by any very refined analytical powers, or theoretical acumen; but what they lacked in those respects they fully made up by their dogmatic fierceness, and uncompromising independence and bitterness.

It must also always be remembered in looking at the political literature of Scotland, at this period of her history, that the innovations which were contemplated and insisted on by her writers in general, were matters appertaining more to religion, than to politics, properly so called. Civil privileges were things of a secondary importance, although they were intimately blended with the religious element, uppermost in the minds of the nation. The petition of Sir James Sandilands, presented to the queen regent, in 1558, contains perhaps, in few words, the substance of the civil and religious privileges, on which the people in general had set their hearts and affections. This petition contains five requests, 1st,—That, as by the laws of the land they had, after a long debate, obtained liberty to read the scriptures in the native language, it should be also lawful for them to use, publicly and privately, “Common prayaris in our vulgar tounge.” 2nd,—That, if in the course of reading the scriptures in their assemblies, any difficulty occurred, it should be lawful for any “qualifiet persone in knowledge” to explain it, subject to the judgment of “the maist godlie and maist learnt within the realme.” 3d,—“That the holy sacrament of baptisme may be used in the vulgar tounge,” accompanied with instruction to the parties and to the church. 4th,—“That the sacrament of the Lordis supper or of his most blessed body and blude, may likewise be administrate in the vulgar

toung, and in both kindis." And lastly, "That the wickit, slanderous, and detestabill lyif of Prelattes, and of the stait ecclesiastical, may be reformed that the pepill by theme have not occasioun, as of mony dayis they have had, to contempe their ministrie and the preiching whairoff they sould be messengers;" and to remove suspicion of interested motives in making this request, it is added, "We ar content that not only the ruellas and preceptis of the New Testament, but also the wrytings of the ancient fatheris, and the godlie approved lawis of Justiniane, decyde the controversie that is betwixt us and theme*."

JOHN MAIR's "Works," 1518. This Scottish author is better known by his latin name MAJOR. He was professor of Philosophy at St. Andrews; and we are informed that he imbibed his political sentiments from the writings of John Gerson, and P. D'Ailly. Major taught that a general council was superior to the pope's authority; and might judge, restrain, and even depose him from his chair; and he likewise denied his temporal or civil supremacy, and his privilege of inaugurating or dethroning princes. He took an enlightened and comprehensive view of politics as a science. He taught that kings and rulers were only servants of the people, derived all their authority from them, and were answerable to them for every public act they performed. If rulers and kings acted tyrannically they might be controlled by the popular voice; and the tyrants of all grades might be judicially proceeded against, and be subjected to capital punishment†.

An important and influential channel, through which

* Knox's History, pp. 120, 121.

† See his Commentary on the third book of the "Master of Sentences," and his exposition of St. Matthew's Gospel, Paris, 1517.

the early reformers of Scotland conveyed their notions of reform, was that of the system of public amusements. These were not created for the purpose of conveying political sentiment to the ear of authority; they had been of long standing, and constituted the staple article of public recreation. Spiritual dramas became, throughout Europe, general and fashionable, and were countenanced by the papal power for the purpose of keeping up the interest and excitement in favour of many of the most puerile and objectionable ordinances of the church.

Before, and about the dawn of, the Reformation in Scotland, dramatic compositions, reflecting on the papal authority, and its clergy, became very common, and were attended by vast multitudes of the people of all ranks. We have, incidently, a striking proof of the popularity of such exhibitions, from a casual remark in the life of George Wishart, the martyr, who, on visiting Haddington, in 1546, to impart to the people of the town some knowledge of the reformed doctrines, said to his auditors, "I have heard of thee, Haddington, that there would have been at a dramatic exhibition two or three thousand people; and now to hear the messenger of the eternal God, of all the town and parish cannot be numbered a hundred persons."

KYLLOUR, a black friar, who had adopted the reform doctrines, composed a drama, on the history of our Saviour's passion, which was publicly represented at Stirling, in 1535, on the morning of Good Friday, in presence of James V. and a large concourse of people. The object of the tragedy was to show that, in the same manner as the priests and pharisees persuaded the Jews to reject the Saviour of mankind, and prevailed upon Pilate to condemn him to death, so do the

bishops and priests of the present day hoodwink the people, and excite kings and rulers to persecute such as professed the blessed gospel. There was so much pungency and wit in the performance, that the authorities took mortal umbrage at its representation; and the unfortunate author met with an awful death for his temerity, by being burnt to ashes on the Calton Hill of Edinburgh, in 1538.

Another author, JAMES WEDDERBURN, a man of a lofty poetical genius, composed various comedies and tragedies in the Scottish language, in which the public authorities, and the clergy generally, were roughly handled. His tragedy of the beheading of John the Baptist was performed at the West Port of Dundee; and a comedy on the history of Dionysius the tyrant, was likewise acted in the play-field of the same burgh. The authorities were so highly incensed against him, from the bitterness of these productions, that he had to make his escape to France, where he remained till his death, which took place at Dieppe. There are no printed copies extant of any of Kyllour or Wedderburne's dramatic effusions.

SIR DAVID LINDESAY is another political satirist of note in Scotland. It has been said of him, by a late distinguished writer, that "he was more of a reformer of Scotland than John Knox; for he had prepared the ground, and John only sowed the seed." Sir David's famous drama, entitled, "The Parliament of Correction; or, a Pleasant Satire of the Three Estates in Commendation of Virtue and Vituperation of Vice," was written in 1535, but first publicly acted at Linlithgow, in 1540, in the presence of James V., his queen, and the lords of the council, spiritual and tem-

poral. It is divided into numerous acts and scenes, and is written in the Scottish language. The drama attacks all the most prominent abuses of the state, both civil and ecclesiastical. The irony is fearless and cutting; and all matters connected with the church—as indulgences, the worship of saints, purgatory, non-residence, pluralities of livings, the ignorance, avarice, and dissolute lives of the clergy, are dealt with in a bitterness and coarseness of diction, that made a deep impression on the popular mind of the day. The chief characters in the piece are a *Poor man*; *Temporality* or *Landholders*; *John the Commonwealth*; *Merchantman* or *Burgess*; and a sprinkling of females, as *Chastity* and *Verity*. To represent the clergy, the author makes *Spirituality* their representative; and this personage betrays a remarkable sensitiveness as to all kinds of alterations and innovations. He is strictly conservative, and has a deep abhorrence of all new-fangled notions on state affairs. His maxim is, “Whatever is, is right.” *Spirituality* is also supported in the part he acts by *Sensuality*, *Falsehood*, *Deceit* and an *Abbess*. After lengthened and warm discussions, the two kings in the drama, *King Correction* and *King Humanity*, with the advice of the *Three Estates*, approve, ratify and confirm a series of acts, to the number of fifteen, for the full redress of the political and ecclesiastical grievances of which the community had so long and loudly complained.

This satire was a great favourite with the people, and they would have witnessed its performance for eight or nine hours, without any falling off in their enthusiasm. The king, himself, we are told, was so deeply affected by the piece, that, at the close of its

representation, he turned upon the Bishop of Glasgow, then his chancellor, and several other prelates, and in a rage, said, "Pack you knaves; get you to your charges, and reform your own lives, and be not instruments of discord betwixt my nobility and me; or else, I vow God, I shall reform you: not as the King of Denmark by imprisonment does, nor yet as the King of England does, by hanging and heading; but I shall reform you by the sharp broad-sword."

As a specimen of the author's poetry, we shall give a few lines from the "Monarchie," touching the building of the Tower of Babel.

" Their great fortress then did they found,
And cast till they gat sure ground.
All fell to work both man and child,
Some howkit clay, some burnt the tyld.
Nimron, that curious champion,
Deviser was of that dungeon.
Nathing they spared their labours,
Like busy bees upon the flowers.
Or emmets travelling into June;
Some under wrocht, and some aboon,
With strang ingenious masonry,
Upward their wark did fortify; * *
The land about was fair and plain,
And it rase like ane heich montane.
Those fullish people did intend,
That till the heaven it should ascend:
Sae great ane strength was never seen
Into the world with men's een.
The wallis of that wark they made,
Twa and fifty fathom braid:
Ane fathom then, as some men says,
Micht been twa fathom in our days;
Ane man was then of mair stature
Nor twa be now, of this be sure.

The translator of Orosius
 Intil his chronicle writes thus ;
 That when the sun is at the licht,
 At noon, when it doth shine maist bricht,
 The shadow of that hideous strength
 Sax mile and mair it is of length ;
 Thus may ye judge into your thoct,
 Gif Babylon be heich, or nocht.

Then the great God omnipotent,
 To whom all things been present,
 He secand the ambition,
 And the prideful presumption,
 How thir proud people did pretend,
 Up through the heavens till ascend,
 Sic languages on them he laid,
 That nane wist what ane other said ;
 Where was but ane language afore,
 God send them languages three score ;

The "Baptistes" of George Buchanan, written in 1540, but not printed till 1576, is a drama of great merit, and contains noble sentiments of liberty and independence. It is a tragedy founded on the death of John the Baptist. The *dramatis personæ* are the speaker of the prologue; Malachus, a Pharisee; Gamaliel, a Pharisee; John the Baptist; a chorus of the Jews; Herod, the King; Herodias, the Queen; the daughter of the Queen; and a messenger. The object of the drama is, to hold up the tyranny and cruelty of kings and wicked prelates to execration and contempt. The play was dedicated to James VI.; and the dedication, for its liberal sentiments, is every way worthy of the tragedy and the author. It was speedily translated into all the languages of the continent.

ANDREW MELVILLE, in his "Diary," 1573, tells us, "This year (1572), in the month of July, Mr. John

Davidson, one of our agents, made a play at the marriage of Mr. John Calvin, which I saw played in Mr. John Knox's presence; wherein, according to Knox's doctrine, the Castle of Edinburgh was besieged, taken, and the captain, with one or two with him, hanged in effigy."

GEORGE BUCHANAN.—"De Jure Regni apud Scotos." This work of Buchanan's is worthy of especial notice, for the bold political statements it contains. It made a deep impression upon the political mind of Europe, at the time of its first appearance. The leading object of the work is, to show that the royal authority of every country is derived from the people; and that if kings and rulers do not perform their duty, but act falsely to the nation, they may be deposed and killed.

Buchanan says, in reference to his book, "De Jure Regni," "I have deemed this publication expedient that it may at once testify my zeal for your service, and admonish you of your duty to the community. * * * Yet I am compelled to entertain some slight degree of suspicion, least evil communication, the alluring nurse of the vices, should lend an unhappy impulse to your tender mind; especially as I am not ignorant with what facility the external senses yield to seduction. I have, therefore, sent you this treatise not only as an advice, but even as an importunate, and somewhat impudent, exhorter, to direct you at this critical period of life, safely past the dangerous rocks of adulation; not merely to point out the path, but to keep to it; and if you should deviate, to reprove and reclaim your wanderings; which monitor if you obey, you will ensure tranquillity to yourself and your family, and transmit your glory to the most remote posterity."

Buchanan's work is written in the form of a dialogue; and in that portion of it devoted to the consideration of the origin and nature of government, we find the following passage:—"B. Is there, then, a mutual compact between the king and the people? M. Thus it seems. B. Does not he who first violates the compact, and does anything against his own stipulations, break his agreement? M. He does. B. If, then, the bond which attached the king to the people is broken, all rights he derived from the agreement are forfeited? M. They are forfeited. B. And he who was mutually bound becomes as free as before the agreement? M. He has the same rights and the same freedom as he had before. B. But if a king should do things tending to the dissolution of human society, for the preservation of which he has been made, what name should we give him? M. We should call him a tyrant. B. But a tyrant not only possesses no just authority over his people, but is their enemy? M. He is surely their enemy. B. Is there not a just cause of war against an enemy who has inflicted heavy and intolerable injuries upon us? M. There is. B. What is the nature of a war against the enemy of all mankind, that is, against a tyrant? M. None can be more just. B. Is it not lawful in a war just commenced, not only for the whole people, but for any single person to kill an enemy? M. It must be confessed. B. What, then, shall we say of a tyrant, a public enemy, with whom all good men are in eternal warfare? may not any one of all mankind inflict on him any penalty of war? M. I observe that all nations have been of that opinion; for Theba is extolled for having killed her husband,

and Timoleon for his brother's, and Cassius for his son's death *."

On the importance of Buchanan's political works generally, Sir James Mackintosh remarks, "The science which teaches the rights of man, the eloquence which kindles the spirit of freedom, had for ages been buried with the other monuments of the wisdom and relics of the genius of antiquity. But the revival of letters first unlocked only to a few the sacred fountain. The necessary labours of criticism and lexicography occupied the earlier scholars, and some time elapsed before the spirit of antiquity was transfused into their admirers. The first man of that period, who united elegant learning to original and masculine thought, was Buchanan; and he, too, seems, to have been the first scholar who caught from the ancients the noble flame of republican enthusiasm. This praise is merited by his neglected, though incomparable, tract, 'De Jure Regni,' in which the principles of popular politics, and the maxims of a free government, are delivered with a precision, and enforced with an energy, which no former age had equalled, and no succeeding has surpassed."

JOHN KNOX.—"The First Blast of a Trumpet against the monstrous Regiment of Women." 1557. Knox was a pupil of Major's, and had imbibed his political sentiments on the nature of civil and ecclesiastical power. In this "Blast," written against the reigning Queen Mary, he maintains that, "To promote a woman to bear rule, superiority, dominion, or empire, above any realm, nation, or city, is repugnant to nature, contumely to God, a thing most contrarious to his

* De Jure, p. 96.

revealed will and approved ordinance, and finally, it is subversive of all equity and justice." His arguments for this political maxim he draws from the consideration that the divine law announced, at the creation, woman's subjection to man; that female government was not allowed among the Jews; that it was contrary to apostolic injunctions, and must, in all cases, lead to the perversion of government, and to the introduction of pernicious customs and habits among the people.

Of Knox's general opinions and doctrines on political subjects, we have a pretty full account, scattered through his "Historie," and his "Letters." In one place he says,—“In few wordis to speik my conscience; the regiment of princes in this day cum to that heap of iniquitie, that no godlie man can bruke office or autoritie under thame, but in so doing hie salbe compellit not onlie aganis equitie and justice to oppress the pure, but also expressidlie to fycht againis God and his ordinance, either in maintenance of idolatrie, or ellis in persecuting Godis chosin childrene. And what must follow heirof, but that either princeis must be reformit and be compellit also to reform their wickit laws, or els all gud men depart fra thair service and companie.” Again, he says, “But now, no farder to trubill you at the present, I will onlie advertis you of sic bruit as I heir in thir partis, uncertainlie noysit, whilk is this, that contradictioun and rebelloun is maid to the autoritie be sum in that realme. In whilk poynt my conscience will not suffer me to keip back from you my consall, yea my judgment and commandement, whilk I communicat with yow in Godis feir, and by the assurance of his trueth,

whilk is this, that nane of you that seik to promot the glorie of Chryst do suddanlie disobey or displeas the establissit autoritie in things lawful, neither yet that ye assist or fortifie such as, for their awn particular caus and warldlie promotioun, wald trubill the same. But, in the bowallis of Chryst Jesus, I exhort yow, that, with all simplicite and lawful obedience, with boldness in God, and with opin confessioun of your faith, ye seek the favour of the autoritie, that by it (yf possible be) the cause in whilk ye labour may be promotit, or, at the leist, not persecutit: Whilk thing, efter all humill request, yf ye can not atteane, then, with oppin and solemp protestation of your obedience to be given to the autoritie in all thingis not plainlie repugnying to God, ye lawfullie may attemp the extreamitie, whilk is, to provyd (whidder the autoritie will consent or no) that Chrystis evangell may be trewlie preachit, and his haly sacramentis rychtlie ministerit unto yow and to your brethren, the subjectis of that realme. And farder ye lawfully may, yea, and thairto is bound, to defend your brethrene from persecutioun and tiranny, be it aganis princes or em-prioris, to the uttermost of your power; provyding alwayis (as I have said) that nether your self deny lawful obedience, nether yit that ye assist nor promot thois that seek autoritie, and pre-eminence of warldlie glorie*."

Knox's ideas of toleration are somewhat curious. He says, "While the posterity of Abraham were *few in number*, and while they sojourned in *different countries*, they were merely required to avoid all participation in the idolatrous rites of the heathen; but *as soon*

* MS. Letters, p. 434.

as they prospered into a kingdom, and had attained possession of Canaan, they were strictly charged to suppress idolatry, and to destroy all its monuments and incentives. The same duty was now incumbent on the professors of the true religion in Scotland. Formerly, when not more than ten persons in a county were enlightened, it would have been foolishness to have demanded of the nobility the suppression of idolatry. But now when knowledge has increased," &c.

Hume, Robertson, and other writers have ascribed ultra political principles to Knox, as well as to Buchanan, and other active agents in the early reform movements in Scotland. Robertson says, that Knox's ideas were grounded on "an excessive admiration of ancient policy;" and that his political views were, as a whole, built "not on the maxims of feudal, but of ancient republican government." These statements have, in some measure, been met by others of a qualifying character from the pen of Dr. M'Cree, the biographer of the great Scottish reformer. The doctor says, "These assertions need some qualification. If republican government be opposed to absolute monarchy, the principles of Knox and Buchanan may be denominated republican; but if the term (as now commonly understood) be used in contradistinction to monarchy itself, it cannot be shown that they ordained or recommended republicanism. They were the friends of limited monarchy. It is the excellence of the government of Britain, that the feudal maxims which once predominated in it have been corrected, or their influence counteracted by others borrowed from republican constitutions. And it is not a little to the credit of these great men, and evinces their good sense

and moderation, that, notwithstanding all their admiration of ancient models of legislation, in comparison with the existing feudal monuments, they contented themselves with recommending such principles as tended to restrain the arbitrary power of kings, and secure the rights of the people. Nor were all their authorities and examples drawn from ancient writers, as may be seen in Buchanan's dialogue, "*De Jure Regni apud Scotos**."

It is curious to have a record of what, in the opinion of the leading spirits in Scotland at this period, constituted heresy. An extract from Archbishop Hamilton's catechism, published at the university of St. Andrew's, gives us some light on the subject.

"Heir it is expedient to describe quha is ane heretyk; quhilk descriptioun we will nocht mak be our awin proper invencion, but we will tak it as it is els made and geven to us, be twa of the maist excellent Doctouris of haly kirk, Hierome and Augustine. Thir are the wordis of St. Hierome, quilk he sais in his Commentarie upon the Epistle of St. Paul to the Galathians: Quicumque aliter scripturam intelligit, quam sensus Spiritus Sancti flagitat, quo conscripta est, licet de ecclesia non recesserit, tamen hereticus appellari potest. Quhat Christin man or woman soevir thai ar quhilk understandis the Haly Scripture otherwayis than ye mind of ye Haly Spirit requiris, (be quhais inspiracion the Scripture was writtin) supposs he gang nocht fra the company of ye kirk, zit he may be callit an heretyk. Now hear the wordis of St. Augustin, descryvand quah is ane heretyk: Hereticus est, ut mea fert opinio, qui alicujus temporalis commodi, et

* Life of Knox, vol. ii. p. 461.

maxime glorie principatusq.: sui gratia, falsas et novas opiniones vel gignit, vel sequitur. Efter my opinion (sais he) he is ane heretyk, quhilk, because of any warldlie profeit, and maist of all, because of his awin glore and promotioun, leiffas the trew faith, and other makis or followis fals and new opinions. Gif ye speir agane at me, how may ze knaw the trew sence of the Scripture intendit be ye haly Spirit, and sa discerne ye verite of our faith fra new and fals opiniouns callit hereseis? Trewly this ze may knaw and discern be thre wayis: First, be trew collatioun, applicatioun, and conferring ane place of the Scripture till ane uther, for commonly ye sentēce quhilk is put in ane place of the scripture obscurly, the same sentēce is put in ane other place of the scripture pleanly. Than quha sa hais the ingyne, cunning or knowlege to cōferre ye obscure place to ye plain place, may cum to ye trew understanding of the obscure place. And maist of all, it helpis us to ye trew intelligence of ye scripture, to tak gud tent to the wordis that ar written immediately afor the text yat we heir or reidis, and alswa yat followis efterhand ye same; for sum tyme ye wordis written afore, sum tyme ye wordis written eftirhend, sum tyme ye wordis afore and efter, opinnis til us ye trew and plain sense of yat text of ye scripture quhilk we desyre to understand. Bot because mony men reidis ye scripture, and hes nocht ye gift of ye haly spirit, callit interpretatio sermonū, the interpretation of wordis, that is to say, (after ane exposition) of difficil and obscure places; theirfore, it is expediēt to cum to ye secūd way quhilk is ye expositiō of autentik doctours, approvit be ye auctorite of haly kirk, and resavit be lang consent of ye Christin peple, as Herome, Am-

brose, Augustine, Gregorie, Chrisostome, with mony uther sic lyke, to quhome ye haly spirit gaif ye gift of interpretacion and exposition of ye scripture, and alsua leirit ye trew sence of ye same at yair doctouris and elderis, quhilk likewais leirit ye same trew sence at yair doctouris and elderis, sa ascendät to ye apostils. The thrid way to knaw quhat are ye bukis of haly write, quhat is the trew sence of ye same, quhat ar the articlis quhilk ar heresie, is ye declaracioun, determinatioun, and decisionis of general counselis, gaderit togidder and concludit be ye inspiratioun of the haly spirit, quhame the father eternall, and our saviour Jesus Christ his natural sonne hais gevn to the kirk to be leder, techar, and direckar of ye same kirk, in all matteris cöcerning our catholike faith."

ANDREW MELVILLE was the author of the "Second Book of Discipline," 1578; a work partaking of both a civil and religious character, and which was adopted, after long and deliberate discussion, by the General Assembly of Scotland, as its theological and political creed. This work points out the distinction between civil and ecclesiastical power; declaring that our Saviour distinctly appointed a government of the christian church entirely apart from civil government; that this christian church government is to be exercised in his name, and by such officers as he has recognised, and not by any means to be brought under the cognizance and authority of civil rulers. Civil institutions, this treatise shows, have for their direct aim, the promoting or securing of external peace, quietness, and happiness among the subjects of a realm; but ecclesiastical authority has the directing and influencing of men in matters of conscience; yet both kinds of go-

vernment or power are of God, and, if rightly used and understood, tend to one general or common end—the glorifying of God and making men good subjects. This is the general theory of religious and civil power entertained even now by the Scottish established faith, as to the nature and abstract relations subsisting between religion and the state.

The Scottish “League and Covenant,” was an influential document on the political movements and modes of thinking among the reformers of this part of the kingdom. It was simply a solemn abjuration of popery, both in its civil and religious character. It repudiates the various articles of this system, and engages to adhere to and defend the reformed doctrine, both in principle and discipline. The Covenanters pledged themselves on oath, “To defend his majesty’s person and authority with our goods, bodies, and lives, in defence of Christ’s evangel, liberties of our country, ministration of justice, and punishment of iniquity against all enemies within the realme or without.” This document the king signed on the 28th of January, 1581.

The accession of Edward VI. to the English throne, in 1546, gave a fuller scope to the principles of the Reformation, and the maxims of general and individual freedom began to be more frequently discussed and examined. A little before this date we have “The Governor,” 1531, of Sir Thomas Elyot. There are no abstract principles of politics fully examined in this treatise; for in that portion of it in which he points out the qualities which a good governor should possess, he only dwells on subjects of a personal and temporary nature. Sir John Cheke, in 1540, pub-

lished "The Hurt of Sedition, how grievous it is to a Commonwealth;" a work of but very narrow and contracted views.

We have a somewhat curious work, entitled, "The Complaynt of Roderyck Mars, sometime a gray fryre vnto the Parliament Howse of England, his natural country: for the redresse of certen wicked lawes, euel customs, a(n)d cruel decreys," published about 1548. The work contains twenty-five chapters. The following are some of their titles, "Of inhansing of rentys by landlordes;" "Of the forfeiting of landys or goodys of traytors, felons, or murderers;" "Of the inclosing of parkys, forestys, chasys, &c.;" "Of the sellying of wardys for marriage, whereof ensueth adultery, which owght to be ponyssed by death." With respect to the raising the price of land, the author proposes, by way of remedy, "That the king (Edward VI.) shall compel all landholders to let their estates at the same rent they produced forty or fifty years before, under the penalty of *forfeiting the whole*; one part to go to the king, another to the commonwealth, and the third to the informer.

On the accession of Mary, in 1553, the reform opinions received a temporary check. Her reign, however, was short; and she was succeeded by Elizabeth in 1558. Political discussions became now more general, although the queen, during her whole life, was never enamoured with anything like civil freedom. She maintained her opinions on the nature of the royal prerogative with a high hand.

The "Fall of Princes," by John Bochas, 1555, purports to give a full and careful enumeration of all those monarchs, who, since the days of Adam, have

fallen from their lofty station and become miserable. The work is in black letter, written in verse, and is, in many respects, a very curious production. It gives good counsel both to princes and people.

In the reign of Elizabeth, of which we are now treating, the political opinions of the pope were still the same as to the right of temporal power over the princes of the earth. This is obvious from the Bull which Pius V. issued against this princess. "He who reigneth on high," says his holiness, "to whom is given all power in heaven and in earth, hath committed the one holy and catholic church, out of which there is no salvation, to one alone upon earth, that is, to Peter, the prince of apostles, and to the Roman Pontiff, the successor of Peter, to be governed with a plenitude of power. This one he hath constituted prince over all nations that he may pluck up, overthrow, disperse, destroy, plant, and rear. * * * We deprive the queen of her pretended right to the kingdom and of all dominion, dignity, and privilege whatsoever; and absolve all the nobles, subjects, and people of the kingdom, and whoever else have sworn to her, from their oath, and all duty whatsoever in regard to dominion, fidelity and obedience."

This doctrine of absolute political authority was not maintained by Rome in reference to Great Britain alone; but the same claims were made towards other European states. The Bull of Sixtus V., 1585, against the King of Navarre and the Prince of Condé, runs thus:—"The authority given to St. Peter and his successors by the immense power of the Eternal King, excels all the power of earthly princes; it passes uncontrollable sentence upon them all; and if it find any

of them resisting the ordinance of God, it takes a more severe vengeance upon them, casting them down from their throne, however powerful they may be, and tumbling them to the lowest parts of the earth, as the ministers of aspiring Lucifer. We deprive them and their posterity, of their dominions for ever. By the authority of these presents, we absolve and free all persons from their oath of allegiance, and from all duty whatsoever relating to dominion, fealty, and obedience; and we charge and forbid all from presuming to obey them, or any of their admonitions, laws, or commands."

JOHN AYLMER.—"An Harborrowe for Faithful and Trewe Subjects, against the late blowne Blaste, concerning the Government of Women," 1549. Aylmer was one of the English refugees on the continent, had been archdeacon of Stowe, and tutor of Lady Jane Grey. The book was written, according to his biographer's account, "upon a consultation holden among the exiles, the better to obtain the favour of the new queen (Elizabeth) and to take off any jealousy she might conceive of them, and of the religion which they professed." As the work was published to counteract the influence of Knox's "Blast," the author says, "If the writer had not swerved from the particular to the general question, and confined himself to the queen who had recently filled the throne, he could have said nothing too much, nor in such wise as to have offended any indifferent man;" for that Mary's government was "unnatural, unreasonable, unjust, and unlawful."

The archdeacon flatters the queen, but is not so lavish of his praises on the ladies generally. He says, "Some women be wiser, better learned, discreter, con-

stanter, than a number of men ; but the most part are fond, foolish, wanton, flibbergibs, tatters, trifling, wavering, wittles, without counsel, feable, and carles, rashe, proud, daintie, nise, tale-bearers, eves-droppers, romour-raisers, evil-tongued, worse-minded, and in everywise, doltified with the dregges of the devil's doungehill."

Dr. M'Cree says that "The Harbrowe" has been written with great care ; it contains a good collection of historical facts bearing on the question, and though more distinguished for rhetorical exaggeration than logical precision, the reasoning is ingeniously conducted and occasionally enlivened by strokes of humour. It is, upon the whole, a curious as well as a rare book."

Of the bold and fierce spirit in which political opinions were expressed by the early reformers in England, as well as Scotland, the following denunciations of Aylmer on the French monarch, Henry II., furnish a striking specimen. "Is he a king or a devil, a Christian or a lucifer, that bi his cursed confederacie so encourageth the Turke?—Oh ! wicked caitiff and firebrand of hell, which for the increasing of his pomp and vayn glory (which he shall not long enjoy) will betray Christ and his cross to his mortal enemy. Oh foolish Germains ! which see not their own undoing, which conspire not together, with the rest of Christian princes, to pull such a traytour to God and his kingdom, by the eares out of Fraunce, and hang him against the sonne a drying. The devill hath none other of his sede nowe but him, to maintaine both the spiritual and temporall antichryste, the Pope and the Turke. Wherefore seeing he hath forsaken God, lyke

an apostata, and sold himself to the Devell, let us not doubt but God will be with us against him, whensoever he shall seek to wrong us; and I trust he will now in the latter age of the worlde shew his might in cutting off this proud Holofernes' head, by the hands of our Judith. Oh! blessed is that man that loseth his lyfe against such a Termagaunt! yea more blessed shall they be that spend their lyves against him than against his great maister the Turke: for the Turke never understode the crosse of Christ; for this Turkish apostata is named a devillis name, *Christianissimus*, and is in the very heart of Christendome, and lyke a traiterous Saracene is Christ's enemy*."

Aylmer had enlightened ideas on the general nature of the British constitution. He keeps abstract principles in view, while he enlarges on matters that may be at variance with them. He says, "A city is at the pit's brinke, wherein the magistrate ruleth the lawes, and not the lawes the magistrate." He thought the English system of polity the best in the world, at the time he lived. "I can find none either so good or so indifferent. * * * The regemente of Englande is not a mere monarchie, as some for lacke of consideracion thinke, nor a mere oligarchie nor democracie, but a rule mixed of all these, wherein eche one of these have or should have like authoritie. The image whereof, and the image, but the thing in dede is to be sene in the parliament hous, wherein you shall find these three estats; the king or quene which representeth the monarchie, the noblemen which be the aristocratie, and the burgesses and knights the democratie. If the parliament use their privileges, the king can ordain nothing

* Harborowe for Faithful Subjects, Q, 1. Strasborowe, 1559.

without them. If he do, it is his fault in usurping it, and their fault in permitting it*."

CHRISTOPHER GOODMAN.—"How superior powers ought to be obeyd; of their subjects, and wherein they may be lawfully by God's worde be disobeyed and resisted. Wherein also is declared the cause of all this present miserie in England, and the onely way to remedy the same." (Geneva, 1558). The author in this work argues for a limitation of the power of kings and rulers; and that, if they violate any of the great and fundamental principles of national justice, right or liberty, they may be lawfully resisted, deposed and punished by their subjects, if they become thoroughly tyrannical and profligate. Goodman inserts some verses, breathing the same sentiments, written by William Kethe, (a translator of the psalms of David into English metre) of which the following lines are a specimen.

"Whom fury long fostered by suffrance and awe,
Have right rule subverted, and made will their law,
Whose pride how to temper, this truth will thee tell,
So as thou resist may'st, and yet not rebel."

Goodman maintains the same opinions as John Knox did, as to the nature of feudal government. He was afterwards obliged to modify these, and some other of his political principles, in compliance with the desire of Queen Elizabeth and her court. He had to confess that "good and godly women may lawfully govern whole realms and powerful nations;" and some explanations were given by him as to the principle of physical resistance to constituted authorities, which

* Pp. 2, 3.

satisfied for the time, the consciences of his enemies. Collier calls all this "a lame recantation*."

DR. JOHN POYNET.—"A short treatise of Political Power, and of the true Obedience which Subjectes owe to Kynges." (1559). This writer was, first, bishop of Rochester, and afterwards of Winchester, under Edward VI. As the title of the book implies, he enters fully into the nature of political authority and power, and discusses it as absolute and as limited; chalks out the boundaries of civil obedience to rulers and kings; and maintains the power and right of the people to depose and punish those who act tyrannically towards them. Strype says, "This book was not over favourable to princes. Their rigour and persecutions, and the arbitrary proceedings with their peaceful subjects in these times, put them upon examining the extent of their power, which some were willing to curtail and strayten as much as they could. This book was printed again in 1642, to serve the turn of those times†."

Poynet's work is divided into seven chapters. 1st, "Whereof politique power groweth, whereof it was ordained, and the right use and duty of the same? 2nd,—Whether kings, princes, and other governors, have an absolute power and authority over their subjects? 3rd,—Whether kings, princes, and all other politique governors be subject to God's laws, or the positive laws of the country? 4th,—In what things, and how far, subjects are bound to obey their princes and governors? 5th,—Whether all the subject's goods be the emperor's or king's own, and that they may

* Eccl. Hist. ii. 440.

† Strype's Annals, i. 196.

lawfully take them for their own? 6th,—Whether it be lawful to depose an evil governor and kill a tyrant? 7th,—What confidence is to be given to princes and potentates?"

The doctrines of Poynt are extremely bold and daring for their age. On the doctrine of deposing kings, he says, "The manifold and continual examples that have been, from time to time, of the deposing of kings and killing of tyrants, do most certainly confirm it to be most true, just, and consonant to God's judgment. The history of kings in the old Testament is full of it. * * * The reasons, arguments, and laws that serve for the deposing and displacing of an evil governor will do as much for the proof that it is lawful to kill a tyrant, if they may be indifferently heard. As God hath ordained magistrates to hear and determine private men's matters, and to punish their vices, so also willeth he that the magistrate's doing be called to account and reckoning, and their vices corrected and punished by the body of the whole congregation or commonwealth."

ALEXANDER ARBUTHNOT, was a zealous advocate of the political principles of the Reformation; and wrote his "*Orationes de Origine et Dignitate Juris*," about 1560. James I. punished him for his liberal opinions, by confining him strictly to his college; and this treatment, it has been said, greatly hastened Arbuthnot's death. Sir Thomas Chaloner, born in 1515, published his chief work in 1556, entitled, "*On the Right Ordering of the English Commonwealth*." This was afterwards enlarged, and given to the public with the title, "*De Republica Anglorum Instauranda*." A little after this we have HUBERT LANGUET, with his

"*Vindiciæ Contra Tyrannos*," 1579. This author was the personal friend of Sir Philip Sidney. The object of the treatise is, to prove that if kings and rulers despoil God's church, countenance or adopt idolatrous customs or ceremonies, or trample upon the privileges of their subjects, they may be deposed by the state, which is, in fact, under a deep obligation to do so.

HENRY PENRY, commonly known by the name of "Mar-Prelate," was a writer of party-politics of considerable notoriety in his day. He was educated at Cambridge, and afterwards went to Oxford, where he was admitted into priest's orders. He adopted both the political and religious principles of the puritans; and civil and theological controversies running high at the time, he launched into the midst of them with all the ardour and recklessness of his temperament. He became a member of a club of writers who had a press of their own, from which many productions privately issued, which proved very galling to their antagonists. Of these, the most offensive bore the signature of "Martin Mar-Prelate." The episcopal hierarchy, and all its supporters, were especial objects of attack. Among the many writings of Penry, the best known, and the most able, are, "*Theses Martinianæ*;" "*A View of Public Wants and Disorders in the Service of God*;" "*Exhortation to the Governors and People of Wales*;" "*Reformation no Enemy to Her Majesty and the State*;" "*Sir Simon Synod's Hue and Cry*."

Elizabeth's government had, for some time, kept its eye upon the movements of the writer; and, at length, a warrant was granted for his apprehension; but he took refuge in Scotland, where he drew up a petition

to be presented to her majesty. With this instrument he ventured to return to England, and took refuge near to Stepney; but his place of concealment being discovered by the vicar of the parish, Penry was handed over to the public authorities. The government officers purposed, at first, to prosecute him for the several books he had published; but the requisite time, within which such a prosecution could be instituted, having elapsed, they fell upon the unconstitutional and iniquitous step of indicting him for "seditious words and rumours against the queen's most excellent majesty, tending to stir up rebellion among her subjects." There was no evidence to support this charge, except some loose and vague impressions taken from his private papers, which were held to *imply* a denial of the queen's authority. He was adjudged guilty of felony, and sentenced to death. Archbishop Whitgift was the first to sign his death-warrant. He was taken suddenly, one afternoon, from the King's Bench to St. Thomas Waterings, and there hanged in the presence of a small number of spectators.

The following Latin rhythmical numbers were written on this writer, and some of his friends and associates; and were, long after his death, popular among the people.

"Hic jacet, ut pinus,
Nec Cæsar, nec Ninus,
Nec Petrus, nec Linus,
Nec Cælestinus,
Nec magnus Godwinus.
Nec plus, nec minus,
Quam Clandestinus,
Miser ille Martinus,
Videti singuli.

" O vas Martinistæ,
 Et vas Brownistæ,
 Et vas Barrowistæ,
 Et vas Atheistæ,
 Et Anabaptistæ,
 Et vas Hacketistæ,
 Et Higgintonistæ,
 ♦ Et omnes sectistæ,
 Quorum dux fuit iste.
 Lugete singuli.

" Et gens Anglorum,
 Presertim verorum,
 Nec non qui morum,
 Estis bonorum,
 Inimici horum,
 Ut est decorum,
 Per omne forum,
 In secula seculorum.
 Gaudete singuli."

The good people of Scotland had, likewise, a rhyme on the same unfortunate victim of oppression.

" The Welshman is hanged,
 Wha at our kirke flanged,
 And at our state banged
 And brend ane his buks.
 And though he be hanged,
 Yet he is not wranged ;
 The devil has him fanged,
 In his kruked kluks."

UDAL, a dissenting clergyman, wrote a work, called, "A Demonstration of Discipline," in which he spoke disrespectfully of the government of bishops. Though the author was careful to conceal his name, yet the authorities of Queen Elizabeth threw him into prison, and he was brought to trial for the offence. The

judges would allow the jury to determine nothing, save the simple fact—whether Udal had written the book or not. No evidence as to his intentions, nor on the construction of his language, could be admitted. There was no proof offered that he had even written the treatise, except the testimony of two persons which affirmed that Udal had acknowledged the authorship. A verdict of death was given against the writer, but he died in prison before the execution of his sentence.

ROSE.—This author's work, "*De Justa Reipublica in Reges Potestate*," was published in 1590. The author's aim is to discuss the origin of society, and to examine the principles upon which the election of magistrates is grounded; and likewise to show that all the forms and limitations of governments have sprung from the choice of the people, except in case of conquest. He stoutly advocates the doctrine that it is just and necessary to kill political tyrants whenever they violate their solemn engagements with the people.

EDMUND RICHER, a learned divine, and grand master of the college of Le Moine, published a work in London (1593) in opposition to the political authority of the pope, entitled, "*On the Civil and Ecclesiastical Power*." This performance brought upon him the hatred of the clerical body, and he was censured by a council of bishops, who proscribed and condemned him. He was committed to the prison of St. Victor. In order to obtain his release, he made a partial recantation of his opinions, under the guidance and direction of Cardinal Richelieu. In the same year, Bishop Wilson wrote his, "*Perpetual Government of Christ's Church*," a work which argued for the superiority of Episcopacy, and its

necessity for state purposes. Another controversial work of his, of the same kind, is called, "On Christian Subjection and Unchristian Rebellion." Following this treatise, we have, "Polimanteia; or, the Means to Judge of the Fall of a Commonwealth, wherein is annexed a Letter from England to her three Daughters, Cambridge, Oxford, and Inns of Court." By W. C. Cambridge, 1594.

ALBERICUS GENTILIS.—"De Legationibus," 1583; "De Jure Belli," 1589. The author of these two works was an Italian protestant, and became, through the interest of the Earl of Leicester, Professor of Civil Law at Oxford. One of the treatises is dedicated to Sir Philip Sidney. Grotius acknowledges his obligations to this writer. We have, likewise, at this time, WILLIAM BARCLAY'S "De Regno et Regali," 1600. This political writer was an English catholic, and his work is chiefly intended as an answer to Buchanan, Boucher, and others, as to the rights and privileges of the people. Barclay considers that the king has no superior in temporal matters; that the nation is bound, in all cases, to obey his will; and that it is his own individual power which confers authority on all laws.

SIR THOMAS SMITH wrote his "Commonwealth of England," in 1583. He enters, in the first book, into the various kinds or sorts of commonwealths; what is just and lawful for a commonwealth to enact; gives examples of changes in the governments of every country; few commonwealths are of a simple or unmixed character; gives a definition of a king and a tyrant; describes an absolute sovereign; of the name of king, and of the administration of England; what is a commonwealth; the different theories as to the origin

of society; and the policy of every commonwealth must coincide with the nature and circumstances of a people. In the second book, he gives us a general definition of the laws of England; and, in the last book, treats of special matters, such as the Star Chamber, marriages, bondmen, &c.

The author's distinction between a constitutional monarch and a tyrant is, that the former is chosen or appointed by the people, and rules by the laws which proceed from them; whereas, a tyrant rules by his own will, and sets the wishes and interests of his people at defiance.

RICHARD HOOKER. "The Laws of Ecclesiastical Polity, in eight books," 1594. This valuable work contains an immense fund of information and knowledge for the politician. Many general principles and maxims of government are laid down with such care and judgment, and are so applicable to all times and seasons, that they prove of great utility to all minds which are apt to be bewildered by a multitude of incidental matters of detail. Hooker is an invaluable synthetical compendium of all the popular arguments, or the origin and leading principles of the social confederacy of nations. The work is fully entitled to every word which Clement VIII. is said to have spoken of it. "This man, indeed, deserves the name of an author. His books will get reverence by age; for there is in them such seeds of eternity, that they shall continue till the last fire shall devour all learning."

In the second year before the close of the reign of Elizabeth (1602), we have the origin of a distinct and important section of political science, namely, that which legally enforces and regulates the support of the

poor, the destitute, the aged, and the infirm. To British authors this branch of the parent science of general polity, owes more than to the writers of any other country, or to the writers of all countries put together, both from the soundness of their general principles, and for the humanity and philanthropy displayed in their general discussion and development.

Previous to the reign of Henry VIII. the poor were maintained from the funds of the church; but that king having laid his hands upon them, the poor, for many long years, were thrown to the wall, and suffered great hardships and cruelty. The evils resulting from this want of legal provision for them, gradually increasing, till towards the close of the life of Elizabeth, she became so sensible of the danger and impolicy of any longer delay in providing a remedy, that she caused the celebrated act called the *forty-third* of her reign, to be enacted for the compulsory relief of the poor and destitute. This has hitherto been considered as the indigent's *magna charta*. We shall not enter into any formal examinations of the provisions of this famous enactment; but suffice ourselves with merely noticing the very early attention that some of its leading provisions excited, which involve several prominent principles of social and political economy.

About a couple of years after this poor-law enactment was made, a number of individuals in the south of England, chiefly landholders and wealthy farmers, joined together, drew up certain queries, ten in number, respecting the correct interpretation of the act, in some of its fundamental provisions. These queries were forwarded to a most distinguished lawyer of that day, called

Sergeant Snigge, contemporary with Coke, Plowden, Glanvyl, and other distinguished men. This Mr. Snigge was knighted, and made a judge by James I. We cannot give here the whole of these queries, but we shall select one, comprehending a primary principle of parochial relief, which has been, in subsequent times, a keen and important topic of discussion. This query relates to *Farming the Poor*, and is thus stated, "Question 9.—Some of the more wealthy farmers in the parish have devised a skilful mode by which all the trouble of executing this act (the 43rd of Elizabeth), might be avoided. They have proposed that we shall *erect a prison in the parish*, and then give notice to the neighbourhood, that if any persons are disposed to farm the poor of this parish, they do give in sealed proposals, on a certain day, of the lowest price at which they will take off our hands; and that they will be authorised to *refuse to any one unless he be shut up in the aforesaid prison*. The proposers of this plan conceive that there will be found in the adjoining counties, persons, who, being *unwilling to labour*, and *not possessing substance or credit* to take a farm or ship, so as to live without labour, may be induced to *make a very advantageous offer to the parish*. *If any of the poor perish under the contractor's care, the sin will lie at his door* as the parish will have done its *duty by them*. We are, however, apprehensive that the present act (43rd of Elizabeth), will not warrant a *prudential* measure of this kind; but you are to learn that the rest of the *freeholders* of the county, and of the adjoining county of B., will very readily join in instructing their members to propose an act to enable the parish to contract with a person to *lock up and work the poor*; and to declare that if any

person shall refuse to be so locked up and worked, he shall be entitled to no relief. This, it is hoped, will *prevent persons in distress from wanting relief*, and be the means of *keeping down parishes*."

To this the learned lawyer sent the following answer: "It is a just suspect of the parish, that such a measure as they allude to, *will not be warranted by the act*. And I deem too highly of the *wisdom and integrity* of the High Court of Parliament, to surmise that they will give their *sanction to any such doings*. Should any person ever be so *weak and wicked* as to propound, or even to vote for such a law, they will be answerable, in conscience, not only for every poor person who may die; but, also, for *every instance of suffering or of depravity* in consequence of it. It is true that, in case the necessaries of life be lowered after the contract has been entered into, the contractor may thrive, and yet the poor may not suffer; but, if these articles rise in price, it is not possible for a *needy vagabond* to supply the difference. In such hands the poor must inevitably perish. Again, I should observe, that when under sickness or temporary distress, a poor man is to be sent *hopeless* into such a place of confinement, his spirit must, in most instances, be broken, and he become a burden to the parish for life*."

* Law Tracts, 1602.

SECTION II.

From James I., 1603, to the death of Charles I. in 1649.

THE reign of James I. forms an epoch in the history of British political literature. His zealous defence of the divine appointment of kings, gave a strong and decided tincture to all the speculations of the times on the nature and offices of general government. Most of the clergy, and even those laymen in any way connected with the administration of public affairs, adopted, with more or less qualification, the political theory of the royal author.

This king wrote a work, "On the Duties of a Monarch," 1605; but, perhaps, the best epitome of his ideas of the nature of a monarchy, and the privileges and prerogatives of the kingly office, is that contained in one of his royal speeches, made on June 20th, 1616, in the Star Chamber, before the judges of the realm*. This speech embraces several political questions of importance; and it is peculiarly interesting to trace the progress of public opinion on many of them.

On the Divine Right of Kings, the monarch expresses himself thus:—"As towchinge the dignitie of a kinge he seyde that they sitt in the throne of God and therefore are in scripture tearmed Godds and that good kinges are to imitate God in justice and sinceritie of hart but wthout private respect for the advancem^t

* "The Kinge's Speech in the Starre Chamber, taken by Ned Wakeman." London, 1616.

of their owne endes or vaine glorie for otherwise they are but unjust and unrighteous. And that as good Judges they are to imitate Solamon and Davide the one in wisdom the other in holynes. Kinges are properlie Judges and all Judgements are theirs how be it they are pronounced by their Judges as their ministers and substitutes by authoritie derived from them as from the ymediate livetenant of God. And although the manner and formes of governm^t doe varie accordinge to the diversitie of Kingdomes yet the sentences pronounced by the mouthes of the Judges (elected by the Kinge as interpreters of his lawes) are his and he is to answer for them before God soe as there is a neere league and affinitie betweene the Kinge and God upward so is there as neere betweene the Kinge and the Judge downward whose office and duty is to declare and expounde lawes not to invent and make lawes."

The king gives this explanation of his not having previously appeared before the judges in the Star Chamber, because, "when he came into this kingdom he was an olde Kinge yet was he but a straunger to our lawes and governm^t and therefore like one of Pathagoras schollers he thought good to professe silence duringe the first seaven yeres and to passe a prentishippe in learninge before he beganne to teache thinkeinge himselfe oonapt to ascende the seat of Judicature before he had learned howe to judge."

His majesty divides the charge into three heads.

"1. First the charge he was to give himselfe for a K. cannot give a good charge to his subjects except he doth first beginne wth himselfe for good waters flowe not but from good springes.

“2. The second was a caveatt to the Judges.

“3. The third was an admonition to his subjects.

The king's caveat to the judges runs thus: “Then he spake,” continues the reporter, “of the Court of Chauncery w^{ch} he sayd was ordained for the mitigation of the rigor of the comon lawe and that the Chauncellor was but the dispencer of his conscience, that it was a highe Court, and that *Teste meipse* was most properly written there. That from thence was no appeale to any other Court, and that he was speciallie bound to maintayne this Court. But yett this Court must keepe it self wth in his limitts and the Chauncellor was not to exceede his authoritie as he sayd he had often given him in charge, but to procede accordinge as he hath been used in the auncient and best times, and if he transgressed his limitts and bounds the Judges of other courts maie not reform it but complaynt thereof to be made to his mat^{ie}. For the present Chauncellor he sayd at his comeing into the kingdome he found him in that place wherein he had ever sence conteyned him and wished he might longe conteynewe therein and he sayd that the attempt to bringe the Chauncellor within the compasse of Premunire was odious and absurde for to indite him sittinge as it were in his owne place were to indite himselfe and to torne himselfe uppon the pointe of his owne sworde.”

The monarch draws the following picture of a justice of the peace in his own day.

“As touchinge the office of a Justice of Peace he s^d that although yt seemed to some fantasticall greene headed gentlemen to be in office of litle reputacion, yet it was in his opinion both worshipfull and honorable and of as great necessitie for the well orderinge of the

ffairesa of the countrey as the highest offices and places for managinge of matters of state in the court. But because Justices of the Peace were of two kindes, the one good the other badde, his pleasure was that the judges should from time to time advtise him of such as did well execute their offices. . . . Of these badde Justices he s^d there were fower sortes. The first were such as were loyteringe Justices and laye at home and did nothinge. The second were busiebodies, who did so much embraceinge many businesses for the enlargem^t of their private gaigne and profits. The thirde sorte were factious and contentious justices. The fowerth such as had a puritanicall itchinge to stirre the people against governem^t and discipline. All such justices (as unprofitable members and ministers) he would have casheered."

The king's ideas of the papal power were very decided and uncompromising. "The King declared his mind towchinge priests which he would have by all means possible extirpated":—

"Yet would he proceed wth greater severitie against some than against other some for he protested he was lothe to hang a priest for sayinge of masse, or for the mere execution of their office or function. But for such as refused to take the oathe of allegiance (w^{ch} he s^d lette the Pope and all the divills of hell say what they will was but a meere temporall oathe) he would have dispatched. In the like manner would he have them deale wth such as haveinge binne formerly banished presume to retorne hether againe. He allsoe signified to the Judges that he would have those priests that broke prison taste of the same cuppe for he s^d those men w^{ch} could not be kept wthin the walls of a

prison, deserved to be helde in the noose of a halter : moreover that they were not like St Peter who went not owt of prison before an angell of heaven called him whereas these are called forth by angell of hell. Then he s^d he had given directions for the examination of the priests remayninge in Wisbitche Castle, towards whom he would proceed eyther favourablie or severely according as they gave him occasion by theyre answers."

Lord Bacon has the following highly coloured passage on the character of James' work. "I cannot but mention, *honoris causa*, your majesty's excellent book touching the *Duty of a King*, a work richly compounded of divinity, morality, and policy, with great aspersion of all other arts ; and being, in mine opinion, one of the most sound and healthful writings that I have read ; not distempered in the heat of invention, nor in the coldness of negligence ; not sick of business, as those are who lose themselves in their order, nor of convulsions, as those which cramp in matters impertinent ; not savouring of perfumes and paintings, as those do who seek to please the reader more than nature beareth ; and chiefly well disposed in the spirits thereof, being agreeable to truth and apt for action ; and far removed from that natural infirmity, whereunto I noted those that write in their own professions to be subject, which is, that they exalt it above measure ; for your majesty hath truly described, not a king of Assyria, or Persia in their eastern glory, but a Moses or a David, pastors of their people. Neither can I leese out of my remembrance, what I heard your Majesty, in the same sacred spirit of government, deliver in a great cause of judicature, which was "That kings ruled by their laws, as God did by the laws of

nature ; and ought as rarely to put in use, their supreme prerogatives, as God doth his power of working miracles." And yet, notwithstanding, in your book of a free monarchy, you do well give men to understand that you know the plenitude of the power and right of a king, as well as the circle of his office and duty."

The edition of the entire work of his majesty, bears the date of 1610, folio, London ; and contains a full length portrait of the royal author, with the following lines underneath :—

"Crowns haue their compasse, length of days their date,
Triumpes their tombes, felicite her fate ;
Of more than earth, can earth make none partaker,
But knowledge makes the *King* most like his master.

The essay on the "Duty of a Monarch" commences at page 283 of this volume, and ends at p. 341.

The king, in his book on "Monarchy," says, that a free and absolute monarch is at liberty to do what he pleases with his people, "who are not permitted to make any resistance but by *flight*, as we may see by the example of brute beasts and unreasonable creatures, among whom we never read or hear of any resistance to their parents, *except among vipers*."

In the king's other treatise, "Basilicon Doron," addressed to his son, Prince Henry, he maintains, that the office of a king is partly civil and partly ecclesiastical ; that a principal part of his function consists in ruling the church ; that it belongs to him to judge when preachers wander from their text ; that parity among ministers is irreconcilable with monarchy, and is the mother of confusion ; and, in short, that episcopacy should be set up, and the principal presbyterian ministers banished from the country.

WILLIAM BELLENDEN, a Scotch writer, published in 1602, "Ciceronis Princeps," containing a collection from such passages of Cicero as related to a prince and the principles of government. This was dedicated to Henry, Prince of Wales, and included, likewise, a Discourse "De processu et Scriptoribus rei Politicæ." In 1612, "Ciceronis, Consul, Senator, Senatusque Romanus," was given to the public. The author planned and partly executed another work, "De Statu Prisci Orbis," but did not finish it. He then united the three treatises into one, under the title of "Bellendenus de Statu." Dr. Parr republished the work, with a preface, in 1787.

BRADSHAW, published (1604) his "English Puritanism," in which the principles of that class of religious and political reformers, are given. Passing over the theological portion of the work, we come to the *civil magistrates*. 1st,—The puritans held that the civil magistrate ought to have supreme civil power over all the churches within his dominions; but that as he is a christian, he ought to be a member of some one of them. 2nd,—That all ecclesiastical offices are punishable by the civil magistrate for the abuse of their ecclesiastical offices; and much more if they intrude upon the rights and prerogatives of the civil authority. 3rd,—They hold the pope to be antichrist, because he usurps the supremacy over kings and princes; and, therefore, all who defend the popish faith, and that are for tolerating their religion, are secret enemies of the king's supremacy. 4th,—That all archbishops, bishops, deans, officials, who hold their offices and functions at the king's will and pleasure, merely *jure humano*; and whosoever holdeth, that the

king may not remove them, and dispose of them at his pleasure, is an enemy to his supremacy.

LORD BACON, 1605.—Lord Bacon cannot be considered a theoretical or systematic writer on politics, for he has not developed any particular system of polity in his several political fragments or essays. But he has been rather an influential writer in the way of giving wholesome counsel both to legislators and the people; and his many pithy and profound sayings on the nature and duties of governments generally, have become the every-day proverbs, both in modern club-rooms, and in houses of parliament.

In Bacon's view, political knowledge was surrounded with great innate difficulties. He says, "Civil knowledge is conversant about a subject which of all others is most immersed in matter, and hardliest reduced to axiom. Nevertheless, as Cato the Censor said, 'That the Romans were like sheep, for that a man might better drive a flock of them, than one of them; for in a flock, if you could but get some few to go right, the rest would follow;'" so in that respect moral philosophy propoundeth to itself the framing of internal goodness; but civil knowledge requireth only an external goodness; for that as to society sufficeth. And therefore it cometh oft to pass that there be evil times in good governments; for so we find in the holy story when the kings were good, yet it is added, 'Nevertheless, the people gave not their hearts to the Lord God of their fathers.' Again, states, as great engines, move slowly, and are not soon put out of frame; for as Egypt, the seven good years, sustained the seven bad, so governments, for a time well grounded, do bear out errors following; but the resolution of parti-

cular persons is more suddenly subverted. These respects do somewhat qualify the extreme difficulty of civil knowledge*.”

Again, “Concerning government; it is a part of knowledge secret and retired; in both these respects in which things are deemed secret; for some things are secret because they are too hard to know, and some because they are not fit to utter. * * * We see the government of God over the world is hidden; inasmuch as it seemeth to participate of much irregularity and confusion. * * * But, contrarywise, in the governors towards the governed, all things ought, as far as the frailty of man permitteth, to be manifest and revealed. For so it is expressed in the scriptures, touching the government of God, that this globe, which seemeth to us a dark and shady body, is in the view of God as crystal. So unto princes and states, especially towards wise senates and councils, the natures and dispositions of the people, their conditions and necessities, their factions and combinations, their animosities and discontents, ought to be, in regard to the variety of their intelligences, the wisdom of their observations, and the height of their station, where they keep sentinel, in great part clear and transparent.”

Bacon had high and venerable notions of royalty. He says, “Kings are mortal gods on earth; unto whom the living God hath lent his own name as a great honour.” Again, he says, “Whoever honour them not, are next atheists, wanting the fear of God in their hearts.” He gives them, however, a word of rebuke; for he tells us, “They are, of all men, they to whom God is

* Advancement of Learning.

the least beholden—He doing the most for them, and they, ordinarily, the least for Him*.”

Bacon maintains, that one of the great drawbacks to wholesome legislation is, that those who have written of laws, have written of them either as philosophers or as lawyers, and but few as *statesmen*. The philosophers make imaginary laws for imaginary commonwealths, “And their discourses are as the stars, which give little light because they are so high.” The lawyers, on the other hand, sin on the other tact, by looking at what law is, not what it ought to be. “The wisdom of a lawmaker consisteth not only in a platform of justice, but in the application thereof; taking into consideration by what means laws may be made certain, and what are the causes and remedies of the doubtfulness and uncertainty of law; by what means may be made apt and easy to be executed, and what are the impediments and remedies in the execution of them.”

The great value of general learning and philosophy, in legislative matters, is very emphatically insisted on by Bacon. He remarks that, “For matter of policy and government, that learning should rather hurt than enable thereunto, is a thing very improbable. We see it is accounted an error to commit a natural body to empiric physicians, which commonly have a few pleasing recipes whereunto they are confident and adventurous; but know neither the causes of diseases, nor the complexions of patients, nor peril of accidents, nor the true method of cure. We see it a like error to rely upon advocates or lawyers, which are only men of practice, and not grounded in their books; so, by

* *Essays.*

like reason, it cannot be but a matter of doubtful consequence, if states be managed by empiric statesmen, not well mingled with men grounded in learning*."

Bacon's description of government is singularly characteristic of his genius and method of treating abstract subjects. "In Orpheus's theatre, all beasts and birds assembled; and, forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening unto the airs and accords of the harp; the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men, who are full of savage and unreclaimed desires of profit, of lust, of revenge: which, as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence and persuasion of books, of sermons, of harangues, so long is society and peace maintained; but if these instruments be silent, or sedition or tumult make them not audible, all things dissolve into anarchy and confusion."

SIR WALTER RALEIGH is the author of two political works "Maxims of State," and "Prerogative of Parliaments," 1602. The latter treatise was not published till after his death. Sir Walter's idea of the nature of monarchy in general, and of the monarchy of England in particular, has often been a subject of remark, among politicians and historians. This idea was that the power of princes was absolute, and that the liberty of the legislative body was only apparent and derivative. In his "Maxims," Sir Walter says, "Monarchies are of two sorts, touching their power or authority; namely, 1st,—Entire, where the whole power of ordering all

* Advancement of Learning.

state matters, both in peace and war, doth by law and custom, appertain to the prince, as in the English kingdom ; where the prince hath the power to make laws, league, and war ; to create magistrates ; to pardon life ; of appeal, &c. Though, to give a contentment to the other degrees, they have a suffrage in making laws, *yet ever subject to the prince's pleasure and negative will.* 2nd,—Limited or restrained, that hath no full power in all the points and matters of state, as the military king that hath not the sovereignty in time of peace, as the making of laws, &c. ; but in war only, as the Polonian king." Then a little further on the author observes, "In every just state, some part of the government is, or ought to be, imparted to the people, as in a kingdom, a voice and suffrage in making laws ; and sometimes also of levying of arms (if the charge be great, and the prince forced to borrow help of his subjects), the matter rightly may be propounded to a parliament, that the tax may *seem* to have proceeded from themselves. So consultations and some proceedings in judicial matters may, in part, be referred to them. The reason, lest, seeing themselves to be in no number nor reckoning, they mistake the state or government." The same theoretical notion of political power is unfolded by Raleigh in his "Prerogative of Parliaments." The form of dialogue is here adopted : *Counsellor*.—"That which is done by the king, with the advice of his private or privy council, is done by the king's absolute power." *Justice*.—"And by whose power is it done in parliament, but by the king's absolute power? Mistake it not, my lord ; the three estates do but advise as the privy council doth ; which

advice, if the king embrace, it becomes the king's own act in the one, and the king's law in the other."

These loose and indefinite notions of regal and popular authority, lay at the root of all the discussions of the times, and were the stock-in-trade of the greater part of the political writings, of an argumentative and doctrinal stamp, which issued from the press at the commencement of the revolutionary movement.

In 1605, we have a political romance, in the vein of Sir Thomas More, called, "*Mundus alter et Idem*," under the assumed authorship of Mercurius Britannicus, but, in reality, from the pen of Joseph Hall, Bishop of Exeter. In his political portraits and descriptions, he reverses the plan of Sir Thomas, by exhibiting the vices and imperfections of the natives of the country, and descanting, in an ironical tone, on the nature of their social habits and government.

The "*Terra Australis*" of Hall is divided into four principal territories; namely, *Crapulia* (the land of Independence); *Viraginia* (of Termagants); *Moronia* (of Fools); and *Lavernia* (of Thieves). The author describes this country as being rich in all that administers to the bodily wants of its inhabitants. Birds resort there in immense flocks; and, after a short time, they become so fat they cannot get out of the way of the sportsman. Geese are generated from the fallen leaves of trees, and lambs grow out of the earth, and, fixed on a stalk, immediately begin to graze on the surrounding herbage. The fish on the coast, when a line is thrown into the sea, cling to it in thousands, and are brought on the beach. The whole country groans with eatables of all kinds, and none are permitted to be exported.

No one is allowed the privilege of citizenship unless he has contributed something to the pleasures of the table. Husbandmen and artificers, when they have attained a certain rotundity of paunch, are promoted to corporation or municipal honours, to which none, in the first instance, are admitted, except cooks, bakers, tavern-keepers, and the great and sage senators of the city. None of the latter class of citizens are chosen for their wisdom, but solely for the magnitude of their bellies; the greater their size, the higher is the civic dignity.

In matters of general education, the customs of these people are different from ours. Instead of libraries, they have public repositories of tankards, in which cups of every size are arranged. Instead of books, goblets and dishes—the smaller ones for the *Freshmen*, and the other for *adults*.

The inhabitants have a formal *code of laws*; here is a sample of some of them. Law 4.—Any person guilty of fasting for four hours, shall be compelled to eat a double dinner; 6th,—Any one convicted of high treason to be starved to death; those guilty of more venial crimes, to have their teeth drawn; 7th,—Any cook sending up meat to table not fit to eat, shall be put in the pillory. These people have no money, but carry on their trade by barter; thus, two sparrows are equal to one starling; two hens, one goose; two lambs, one calf; two goats, one cow.

The grand duke or king of the country is elected solely from his *eating* qualifications. When he is elected he addresses the people, by declaring himself the most determined enemy to fasting, abstinence, short-allowance, and leanness. The great oath of

office is then administered to him—that he will take care that no one fasts with impunity, nor any debauchee go unrequited. “And now,” says he, “by the holy greedy gut, be as merry and jolly as you can; may the successive potations from this goblet be auspicious, and may I always find you comfortably fuddled, and well crammed.” So saying, all the people, cry out, “Long live the king; may he long increase in size.” Forthwith the national insignia are delivered to him; a representation of an ostrich, devouring a piece of iron, with the inscription, “Digest and govern,” and a large carving-knife, and a little golden flask, with the words, “Use and Enjoy,” marked upon it. Over the portal of the Town’s House, is the following inscription:

“Hæc domus est, lætâ semper bonitate repleta;
Hic pax—hic requies—hic gaudia semper honesta.”

“This hall is dedicated to wassail sweet,
Here peace—and bliss—and rest oblivious meet.”

The traveller makes his escape from this portion of the country, and gets to another where the females perform all the offices of men. The civil constitution of these people is a pure democracy—every one is desirous of governing—not willing to obey. Everything is regulated by public suffrage; all speak at once, and none pay any attention to what their neighbour says. They have a *perpetual parliament*, and what is voted to-day, may be repealed to-morrow.

In the province of *Codicia* (the land of Avarice), there is a singular race of men, described as having faces like swine. They always walk with their faces downwards, lest anything worth picking up should

escape them; and their voice resembles grunting rather than speaking. This country seems inhabited by *old men*, the young men, if of an enterprising turn, betaking themselves to the forest of *Butinae*, (Butinia); if studious, to the school of Bolsecium (cut-purse). Mining, agriculture, and merchandise, are the only trades exercised; and the persons following them, like the ravenous wolf, or the starving fox, feed upon the earth. Some, indeed, exist by looking on their metallic treasures. They scarcely ever sleep, and worship only one god—"The God of Wealth."

A short time after the appearance of this work, it was imitated by another, entitled "The Discovery of a New World, or a description of the South Indes, hetherto Vnknowne;" by an English Mercury. This has an engraved title-page, representing Mercury standing on a globe; and on the left page is a small map of the lands of *Tenterbelly* and *Fooliana*; and on the right *Sheeland* and *Sheemingen*. The work is divided into four books. The first contains the discovery of the land of Tenterbelly, Eat-allia, and Drink-allia; the wars of the Eat-alleans; the laws of the land; the religion of the people. Drink-allia is the second province of Tenterbelly; and here the author treats of the social and political condition of the inhabitants, and the arts and military discipline of these Drink-alls. The second book is devoted to a description of Sheelande or Womandocia, and of its situation and resources. The third book describes the discovery of Fooliana, and its locality and populousness, and the condition, character, and dress of the natives. The fourth book contains the discovery of Thee-wingen, and a description of it, together with the condition of the Robbers-walders.

There was a sort of piracy of this work appeared in 1669, called "Potittacorum Regis ; or the Land of Parrots, or the Shee-Islands." The only original portion of the work is that commencing from page 122, giving an account of the territories of the *Prince de l'Amour*.

ANDREWS, bishop of Winchester, was a writer employed by James I. to protect him from the pen of Cardinal Bellarmin, who had attacked his majesty's work, "Defence of the Right of Kings," under the signature of "Methew Tortus." Andrews had that peculiar quaint and pedantic method of handling everything, which agreed so well with James's mind and taste ; and for this reason the bishop was selected to give a formal answer to the cardinal's attack. This was done in a treatise, Andrews styled "Tortura Torti," 1609, which pleased the king, and promoted the temporal advancement of the writer. Andrews wrote several other controversial tracts against both Bellarmin and Perron, which, though now little known, were in their day considered masterly things of their kind. Andrews was not of so slavish a turn of mind in his political capacity as several of his brethren of the cloth ; on the contrary, his contemporaries give him the credit of being an upright and beneficent member of the episcopalian body. There is an anecdote told of his shrewdness and independent thinking. He, and Neale, bishop of Durham, were standing behind the king's chair, when James asked both bishops, "My lords, cannot I take my subjects' money when I want it, without all this formality in parliament." The bishop of Durham immediately replied, "God forbid, sir, but you should ; you are the breath of our nostrils." On hearing this,

his majesty turned towards Andrews, and said, "My lord, what say you?" "Sir," replied the bishop, "I have no skill in parliamentary cases." The king said, "No puts-off, my lord; answer me presently." "Then, sir," rejoined Andrews, "I think it lawful for you to take my brother Neale's money, for he offers it." It is said that James was greatly amused by the answer.

JOHN MELTON'S "Sixfolde Politician, together with a Sixfolde Precept of Policy," (1609), has excited some curiosity among certain classes of public writers interested in tracing the growth of political opinion and sentiment. The work has been attributed to John Milton's father, but upon no authentic evidence. There is likewise a poem, published in 1613, called "The Uncasing of Machivil's Instructions to his Sonne, with the Answer to the Same," the author of which is not known, but which, from its rarity, has of late years been much sought after by book collectors. It is interesting, from the political opinions it contains.

It may be worthy of remark here, that the public press was officially closed against the sect of the puritans; and, in consequence of this, a private press was purchased by the party, and carried about from one place to another. It was first set up at Moulsey, in Surrey, then at Fawsley, in Northamptonshire, then at Norton, Coventry, Woolston, and Manchester; at which last place it was seized by the constituted authorities of the government.

CRACKANTHORP published, 1621, "The Defence of Constantine, with a Treatise on the Pope's Temporal Monarchy," in which there is a full collection of the testimonies of Romish writers against the temporal supremacy of the pope.

The struggle between James I. and his parliament, gave rise, in 1621, to the protestation of the commons, as to their powers and privileges as a legislative body. This important document is expressed in these words : "The Commons now assembled in parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, and privileges of parliament, among others, here mentioned, do make this protestation following : "That, the liberties, franchises, and jurisdictions of parliament are the ancient and undoubted birth-right and inheritance of the people of England ; and that the urgent and arduous affairs concerning the king, state, and defence of the realm, and of the church of England ; and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realme, are proper subjects and matter of counsel and debate in parliament ; and that in the handling and proceedings of those businesses, every member of the house of parliament hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same ; and that the Commons in parliament have like liberty and freedom to treat of these matters, in such order as in their judgment shall seem fittest, and that every member of the said house hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the house itself), for or concerning, any speaking, reasoning, or declaring of any matter or matters touching the parliament or parliament business. And if any of the said members be complained of, and questioned for anything done or said in parliament, the same is to be shown to the king by the advice and assent of all the Commons assembled in parliament,

before the king give credence to any private information."

BARCLAY'S "Argenis; or, the Loves of Poliarachus and Argenis," translated 1623, is one of the early records of political romancing. The chapters which have a direct bearing on politics, are the fourth, about the troubles of state; the fourteenth, on the evils which have followed the injudicious flattery of princes by poets; and the eighteenth, touching tribute and imposition of kings upon their subjects. "Where there be bounds of taking and bestowing, that law prescribed by nature, pointed out to every family, their bounds, their right, their office; and then the hope of pleasing and gratifying one the other, confirmeth that mutual league between the king and the subject; for the subject will willingly supply the king's treasure with his own wealth, rather than the king should execute extremity of justice, rashly make war, conclude peace, or bestow public offices upon loose and undeserving persons; there shall be their rewards, by which they shall gratify the noble disposition of their prince, and shall also be thankful for favours received and deserved others. And the king, likewise, shall do nothing that may hurt his subjects by strict or strange customes, expecting nothing from them by harsh or rigorous dealing. These are the most religious bands which join the king and subject together, and protects the flourishing government from injury and insolvency."

Argenis is profigured as the daughter and heiress of Meliander, King of Sicily, and the work describes the war carried on to obtain her hand by two rival lovers,

Lycogenes, a dissipated subject of Meliander, and Poliarchus, Prince of Gaul.

It is generally considered that the work of Barclay's has a direct allusion to the political events which took place in France, in the war of the League; and that the hero Meliander is intended for Henry III.

It is requisite we should here, once for all, give a bird's-eye view of the question, legally considered, involved in what are called the "Test and Corporation Acts." These compromised the great principle of liberty of conscience, and stood in the way of a fair and equitable distribution of civil offices, power, and emoluments; and were, consequently, subjects of constant and acrimonious discussion among political writers. Some felt an interest in upholding, and others in bitterly inveighing against them. A few words as to how the question really stood, from the days of James I. till the year 1700, which closes this volume, will aid the general reader in comprehending more readily and fully, the scope and tenor of many of the political treatises subsequently treated of by British authors. This is one among hundreds of instances in the history of human progress, where the external measures of a government give rise to political discussions, and are instrumental in the development of abstract principles of polity, which would never have otherwise been thought of, but for the jolting interruption they give to the free exercise of the common faculties and desires of human nature. Legal barriers or obstacles to the currents of social movements are easily set up; but it requires years of unremitting intellectual labour and zeal to write them down, or render them obsolete.

The first *law*, requiring persons to receive the sacrament agreeably to the episcopal church, is that of the 3rd of James I. This was intended against papists, and against protestant dissenters, who up to this time, and for a considerable period afterwards, freely communed with their Anglican brethren. In fact, the old puritans dreaded an actual separation from the establishment; and in 1587, one of their rules had for its object to wipe off the imputation of separation, “inasmuch as *the brethren communicate with the church in word and in sacrament*, and in all other things except their corruptions.” The nonconformists continued to frequent the episcopal communion-table, till the year 1645, when the presbyterian form of worship was established. After the Restoration, and even after the “Act of Uniformity,” the presbyterian body, and other sects of christians, made no scruple to communicate with the episcopal church. In 1661, the “Corporation Act” was passed, by which it was enacted, that, “No person shall ever hereafter be placed, elected, or chosen, into any corporation, that shall not, within one year next after such election, have taken the sacrament of the Lord’s Supper, according to the rites of the Church of England.” The “Act of Uniformity” soon followed, by which two thousand ministers of the presbyterian church had, by the severity of its tests, to vacate their livings.

The parliament entertained, after the Restoration, a deep-rooted hatred to the catholic religion. Charles II. in order to ingratiate himself with the general mass of dissenters, issued a proclamation, suspending, by his own dispensing power, all the penal laws against dissent, and granted to the nonconformists the privilege

of building places of worship for themselves; and to the papists liberty to exercise their own religious rites in their own houses. When the king opened the session, however, he found the House not very tractable on the question; and when he called for money, the parliament not only proceeded to exclude catholics from all places of public trust in the kingdom, but in passing the "Bill of Supplies" for the year, the House tacked to the end of it, the famous "Test Act," and by this contrivance it became law.

This "Test Act" provided that "*every person who shall take any office, civil or military, or shall receive any salary, pay, fee, or wages, by reason of any patent of his majesty, or shall be admitted into the family of his majesty, shall receive the sacrament of the Lord's Supper after the manner of the Church of England, within three months after their admittance into the said office. Any person convicted of offending against this act is disabled from ever after suing in any court—from becoming guardian, executor, or administrator—from profiting by any legacy or deed of gift, or from bearing any office within England or Wales: and, in addition to these disabilities, is to forfeit five hundred pounds.*" Non-commissioned officers in the navy, petty constables, overseers of the poor, and some other smaller offices of a civil character, were exempted from the operations of the bill. Its preamble states that it was passed for preventing any dangers which might result from *popish recusants*.

At the Revolution of 1688, King William was anxious to effect a repeal of the Corporation and Test Acts. In his address to the parliament in 1689, he says, "I hope you are sensible there is a necessity of

some law to settle the oaths to be taken by all persons to be admitted to such places. I recommend it to your care, to make a speedy provision for it; and as I doubt not but that you will leave room for the admission of protestants that are able and willing to serve. This conjunction in my service will tend to the better uniting you among yourselves, and strengthening you against your common adversaries." The question, however, made no progress in his majesty's reign.

Charles I. ascended the throne in 1625. This was a most eventful reign in the history of the political literature of Britain, and indeed of the whole world. Here commenced, what had long been brewing in the mind of the nation, that bloody and severe struggle between the prerogatives of the crown, and the rights and privileges of the House of Commons.

The first fruits of this struggle was the "Petition of Right," 1628, which is thus worded by the petitioners: "We humbly shewe unto our sovereign Lord the King, the Lord Spiritual and Temporal, and Commons, in Parliament assembled, That whereas it is declared and enacted by a statute made in the time of the reign of king Edward I. commonly called "Statutum de tallagio non concedendo," that no tallage or aid shall be levied by the king or his heirs in this realm, without the good-will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm: And, by authority of parliament holden in the five and twentieth year of the reign of king Edward III. it is declared and enacted, That, from thenceforth, no person shall be compelled to make any loans to the king against his

will, because such loans are against reason, and the franchise of the land: And, by other laws of this realm, it is provided, that none should be charged by any charge or imposition called a benevolence, or by such like charge: By which the statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in parliament.

“II. Yet, nevertheless, of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your privy council, and in other places; and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted: And divers other charges have been laid and levied upon your people, in several countries by lord-lieutenants, deputy-lieutenants, commissioners for musters, justices of peace, and others, by command or direction from your majesty, or your privy council, against the laws and free customs of this realm.

“III. And whereas also, by the statute called “The great charter of the liberties of England,” it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his

free customs, or to be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

“IV. And, in the eight and twentieth year of the reign of king Edward III. it was declared and enacted, by authority of parliament, That no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of law.

“V. Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed ; and when, for their deliverance, they were brought before justice, by your majesty’s writs of *Habeas Corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your majesty’s special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law.

“VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people.

“VII. And whereas also, by the authority of parliament, in the five and twentieth year of the reign of

king Edward III. it is declared and enacted, That no man shall be fore-judged of life or limb against the form of the *Great Charta* and law of the land: And by the said *Great Charta*, and other the laws and statutes of this your realm, no man ought to be judged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: And whereas no offender, of what kind soever, is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm; Nevertheless, of late, divers commissions, under your majesty's great seal, have issued forth, by which certain persons have been assigned and appointed commissioners, with power and authority to proceed within the land, according to the justice of martial law, against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial.

“VIII. By pretext whereof some of your majesty's subjects have been, by some of the said commissioners, put to death, when and where, if, by the laws and statutes of the land, they had deserved death, by the same laws and statutes also they might, and by no other ought, to have been judged and executed.

“IX. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this

your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborn to proceed against such offenders, according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid: Which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

“X. They do therefore humbly pray your most excellent majesty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent, by act of parliament: And that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof: And that no freeman, in any such manner as is before-mentioned, be imprisoned or detained: And that your majesty would be pleased to remove the said soldiers and mariners, and that people may not be so burthened in time to come; and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled: And that hereafter no commissions of like nature may issue forth, to any person or persons whatsoever, to be executed as aforesaid, lest, by colour of them, any of your majesty’s subjects be destroyed, or put to death, contrary to the laws and franchise of the land.

“XI. All which they most humbly pray of your most excellent majesty, as their rights and liberties, according to the laws and statutes of this realm: And that your majesty would also vouchsafe to declare, That the awards, doings, and proceedings to the prejudice

of your people, in any of the premises, shall not be drawn hereafter into consequence or example: And that your majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid, all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your majesty, and the prosperity of this kingdom."

WILLIAM PRYNNE, born in 1600, was another redoubtable champion for popular rights during the revolutionary crisis in England. He attended, in early life, the lectures of Dr. Preston, a learned and zealous puritan, and soon imbibed the leading principles of this political and religious party. Prynne commenced author in 1627, by attacking the leading principles of popery and Arminianism; a few years after, he wrote in opposition to theatrical exhibitions; and in this performance, entitled, "Histro-Mastix," he was accused of levelling some sarcasms at the queen, and a prosecution of the Star-Chamber was the consequence. Poor Prynne suffered severely. He was fined the sum of £5000, to be expelled the University of Oxford and Lincoln's Inn, to be degraded from his profession as a lawyer, to stand twice in the pillory, losing an ear each time, and to remain a prisoner for life. All this was dealt out to him in full measure, at the instigation, it is said, of Laud, who had smarted under the attacks of Prynne on episcopacy. He suffered with great constancy and resolution; and, even in prison, continued writing against prelacy, with all the ardour and bitterness imaginable. For one of these prison effusions, called "News from Ipswich," he was sen-

tenced again, by the same court, to pay a fine of £5000, and to be branded in each cheek with the letters S.L., (Seditious Libeller). This savage sentence was executed, and he was removed for safe custody to Caernarvon Castle, and afterwards to the Island of Jersey. He was not, however, to be daunted, even by these unprincipled punishments, for he continued still to wage war by his pen with his enemies and tormentors. When the parliament met in 1640, he was chosen representative for Newport, in Cornwall; his release was immediately granted, and he entered London in triumphal procession, demanding from the Commons full compensation for his sufferings and losses. His political writings are very numerous, and display great vigour and acuteness, and an ardent love of freedom.

FATHER ALEXANDER BAILLIE.—“True Information of the Unhallowed Offspring, Progress, and Impoisoned Fruits of our Scottish Calvinian Gospel and Gospelers,” 1628.—This is a work written against the Scottish Reformers, and embraces matter worthy of attention. It contains a bitter lamentation over the demolition of the religious houses and churches in Scotland.

NATHANIEL CARPENTER, dean in the Episcopal Church of Ireland, published in 1628, his “Ahithophel; or, the Picture of a Wicked Politician.”

In 1630, SIR DUDLEY DIGGS wrote his “Discourse concerning the Rights and Privileges of the Subject.” The “Patriarcha, non Monarcha,” under the signature of P.N.M. was printed in 1634.

JOHN SELDEN’s “Mare Clausum” appeared in 1635. This work is written with a view of showing, that it

is a cardinal point in the general policy of England to maintain the supremacy of the seas. The treatise was written in opposition to the work of Grotius, called "*Mare Liberum*," published a short time before. Selden gained great reputation in his day, by this profound and ably reasoned work. In 1640, he published his "*De Jure Naturali et Gentium, juxta Disciplinam Ebræorum*," the object of which is to trace the opinions of the Hebrews on the nature and application of those general rules or maxims of justice, which we call the law of nations.

Selden had for his aim, the reconciling the opinions of the High Church party with those of the general body of dissenters; a really sound and healthy policy was made up of divers opposite principles, none of which, singly, could be fully carried out to its ultimate results. Christianity was the basis of every scheme of polity; and its main features were those of unity, and a rational compromise of violent extremes. Everything should be done reasonably and considerately; "Union," says he, "is strength, and division is weakness."

He seems to have adopted the opinion of Filmer, that the patriarchal power was the greatest and earliest manifestations of political science known among mankind, and the foundation of all subsequent forms of social governments. "The patriarchal authority," says Selden, "which existed in Adam, Seth, Noah, Melchisedeck, Abraham, and other chief princes of that period, was extended to the judges and prefects, for they united the ecclesiastical and political power. Thus the authority of Moses was twofold; in one respect sacerdotal; in another, royal, and absolute in public dominion. Thus, under the theory of a pontifical

sovereign, or sacerdotal prince, he executed sacred and civil functions, as was the case with the patriarchal pontiffs, who succeeded in the line of primogeniture. It is, therefore, acknowledged that Moses was priest and king, and such pontifical emperors were the judges or prefects that succeeded him."

On the kingly and sacerdotal prerogatives, he favours the doctrine of divine right. "Many things," says he, "relating to the supreme authority, the royal primacy, and the power of the pope and king, occur in the books against Bellarmin, Tortus, Beccanus, and Suarez, in the reign of James, and some written by himself, in which is powerfully discussed the right of ecclesiastical jurisdiction and excommunication by the ancient laws and customs of the kingdom of Britain, exercised according to the regulations of the king, and the royal law, and no otherwise. This power of the keys and the right of excommunication, they attribute to the king alone, as the sovereign ruler and governor, as the laws of this realm, as the courts of ecclesiastical jurisdiction acknowledge,—all which is expressly asserted by that admirable, learned, and exemplary divine, Bishop Andrews, in his answer to Bellarmin*." Again, "as the supremacy of princes and their governments is delegate from the highest, their judgments being only his, so in a general sense they are entitled gods, even by God himself, because here on earth they should, for their power, be his imitators; and therefore they may, in this sense, be entitled divine and sacred."

He does not, however, abide very consistently by these maxims, for we find him laying down the nature

* De Synedris.

of the kingly office upon as broad and popular a foundation as Locke himself would have done. "A king," says Selden, "is a thing men make for their own sakes—for greatness' sake. They grant him certain high privileges and powers; but it is upon *condition* that he should guard their liberties and administer their laws. The moment he neglects either, he has broken the condition, and his privileges are forfeited. *Ipsa facto*, he is reduced to the liabilities of a subject. It matters little whether such a delinquent's crimes appear in the form of murder, rape, or general tyranny. He has disregarded the purpose for which he was raised to the throne, and no reason, either technical or moral, can convince the understanding that he has not degraded himself, or is not justly brought within the power of the law he has despised."

JOHN LILBURNE.—This was one of the most remarkable personages who figured among the republican party of the times. He was brought up to be a clothier in the city of London, but his early enthusiasm having been raised to a high pitch by a perusal of the "Book of Martyrs," he rushed at once into the arena of politics, in search of glory and renown. He was employed by the famous Dr. Bastwick, then suffering from Star-Chamber prosecution, to get anti-episcopal pamphlets printed in Holland. This he accomplished with great secrecy and effect. Soon after his return, he commenced writer himself, and adopted the same surreptitious mode of publication, but being betrayed by an accomplice, he was, himself, brought under the cognizance of the Star-Chamber, and doomed to receive *five hundred* lashes, and to stand in the pillory. This sentence was carried into effect in April, 1638. His

demeanour before the tribunal was so resolute and determined, that he refused to answer all interrogatories, except by declaring that he stood there to demand the *privileges of an Englishman*. This conduct obtained for him the appellation of "Free-born John." When in the pillory, he poured forth invectives against his persecutors, and threw political pamphlets from his pockets among the crowd. He was sent back to prison, and heavy irons placed on him; but even in this depressed condition, he contrived to get another political missile thrown at his tormentors. On the assembling of the long parliament, the sentence upon Lilburne was pronounced to be barbarous and illegal, and that reparation should be awarded him for his sufferings and losses. He then entered the republican army as a volunteer, and displayed great courage and gallantry at the battle of Marston-moor. Feeling dissatisfied with the political movements and measures of Fairfax and Cromwell, he threw aside the sword and took up his pen, and forthwith published some bitter invectives against the leading men of his own party. He was committed to Newgate for contempt; but even here he still contrived to publish his tracts in rapid succession, hurling defiance even to Cromwell and Ireton, against both of whom he preferred a charge of high treason. This brought him again before the courts, and he was tried for sedition and scandalous practices; but so popular had he become, that the House of Commons thought it the more prudent course to discharge him, and give him compensation for his sufferings. On the death of Charles, he drew up, himself, a new constitution, and one of the prominent features of it was, the rights of the people against the

army. Of the military spirit, Lilburne entertained a deep-seated jealousy; so much so, indeed, that he would scarcely allow the slightest manifestation of it, in the civil affairs of the commonwealth. It was this intense hatred of the soldier's rule that inflamed the hatred of Cromwell, who both feared and dreaded him. And so dangerous did he appear in the eyes of the protector and his council, that Lilburne was again committed for high treason, but having the good fortune to be tried before a special committee, he was acquitted. This inspired the accused with fresh ardour, and he again began to lash the parliamentary leaders in his political squibs to such an extent, as drew upon him the vengeance of this body, and he was heavily fined, and ordered to quit the kingdom forthwith. He retired to Holland, and remained there till the parliament was dissolved. But venturing back again, without being able to procure a passport, he was apprehended, tried at the Old Bailey, when, after an able self-defence, he was again acquitted. He was, however, ordered to leave the country, but giving good bail for his future conduct, he was allowed to remain. He became quaker, and preacher, and died at the early age of thirty-nine.

His writings are very numerous, and many of them are exceedingly amusing. They display great energy and acuteness, though their general character is that of rudeness and vulgarity. He had a general plan of his own, neither, however, very comprehensive or well defined, of a system of civil government, to which he was enthusiastically attached; and this was ever uppermost in his mind, and everything like compromise was repugnant to his ardent and uncontrollable temper.

But that he was strictly honest and sincere in the prosecution of his own views, his bold and indomitable conduct is a sufficient attestation.

SIR JOHN BIRKENHEAD published a journal at Oxford, about 1640, called "*Mercurius Aulius*," in favour of the cavalier party of politicians. Being expelled from this city by the parliamentarians, he went to London, and wrote a multitude of pasquinades against the enemies of the royal cause; for which he was several times imprisoned. At the restoration, he was rewarded by being made Master of Requests.

JOHN SADLER wrote a work, in 1649, called the "*Rights of the Kingdom; or, Customs of our Ancestors*," which was a great favourite with Oliver Cromwell, who patronised the author. The same writer published "*Albia; or, the new Island lately Discovered*," a political romance, of rather an interesting description.

PETER HEYLIN.—This writer was a well-known personage during the civil wars. He advocated the principles of Charles I. with great zeal and acrimony. He was the author of a number of political tracts, which will be found among his miscellaneous works, printed in folio, 1682. He likewise established a weekly paper, in behalf of the king's cause, which was published at Oxford.

MARCHANT NEEDHAM was another of the stirring and zealous political pamphleteers of the civil wars. He was born near Oxford in 1620. He commenced a paper against the cause of Charles I., entitled "*Mercurius Britannicus*," in which he promulgated the liberal doctrines of the reformers without qualification or compromise. But after the battle of Naseby, he took a sudden turn, and published a paper called

"*Mercurius Pragmaticus*," in which he libelled without mercy, all his former friends and supporters. When the parliamentary party were again on the ascendant, they sent him to prison; but not feeling comfortable here, he turned a third time, and in his "*Mercurius Politicus*," unsaid everything he had said before. This sunk him very low, and he was advised by his few friends, to leave the country, which he did; but on obtaining his pardon he returned again, and died in 1678.

A well-known writer on English literature remarks that "Marchant Needham, the great patriarch of newspaper writers, was a man of versatile talents and more versatile politics, a bold adventurer, and most successful, because the most profligate of his tribe. From college he came to London; was an usher in Merchant Taylor's School; then an under-clerk in Gray's Inn; at length studied physic and practised chemistry; and, finally, he was a captain, and in the words of honest Anthony Wood, 'siding with the rout and scum of the people, he made them weekly sport by railing at all that was noble in his intelligence, called '*Mercurius Britannicus*,' wherein his endeavours were to sacrifice the fame of some lord, or any person of quality, and of the king himself, to the beast with many heads.' He soon became popular, and was known under the name of Captain Needham of Gray's Inn; and whatever he now wrote was deemed oracular. But whether from a slight imprisonment for aspersing Charles I., or some pique with his own party, he requested an audience on his knees with the king, reconciled himself to his majesty, and showed himself a violent royalist in his '*Mercurius Pragmaticus*,' and galled the Presbyte-

rians with his wit and quips. Some time after, when the popular party prevailed, he was still further enlightened, and was got over by President Bradshaw as easily as by Charles I. Our mercurial writer became once more a virulent presbyterian, and lashed the royalists outrageously in his 'Mercurius Politicus:' at length, on the return of Charles II., being now conscious, says our friend Antony, that he might be in danger of the halter, once more he is said to have fled into Holland, waiting for an act of oblivion. For money given to a hungry courtier, Needham obtained his pardon under the great seal. He latterly practised as a physician among his party, but lived universally hated by the royalists, and now only committed harmless treasons with the College of Physicians, on whom he poured all that gall and vinegar which the government had suppressed from flowing through its natural channel*."

Charles being now, 1648, brought to the block, for his alleged violations of the rights of the people and the parliament, the *Commonwealth* commenced, under the direction of Oliver Cromwell and his army.

It is acknowledged by most writers on public affairs, that this revolutionary period, was a very critical one for the liberties of the nation. Public opinion on some of the fundamental principles of legislation had arrived at that point, which called for some firm and absolute decision respecting them. Religious feeling and sentiment were the active elements which raised the nation to a sense of its duty and political interests. The independent, the presbyterian, and the puritanical principles of civil and religious liberty, were held in

* Disraeli.

abeyance during the reign of Elizabeth; but became more prominently active and vigorous, in the reign of her successor, James I. During the sway of the unfortunate Charles I., and till he fell by the hand of the executioner, the great body of the English nation never once relaxed their efforts in the cause of popular right, and religious toleration. Cromwell, himself, says, that whatever might be the efficient and proximate causes of the commencement of the civil war, yet God soon brought it to a religious issue; and he constantly affirms, that amidst the contentions, and dangers, and sacrifices of war, the reward which he and his followers always had before them, was the freedom of worshipping God according to their conscience.

SECTION III.

From the death of Charles I. to the year 1700.

IN the reign of Charles I., and during the Commonwealth, and even for a considerable time afterwards, it must be kept in remembrance, that there were floating in the public mind five distinct systems of church government; namely, Popery, Diocesan Episcopacy, Presbyterianism, Independency, and Erastianism. Each of these ecclesiastical forms sought to mould or modify civil liberty and political right in some fashion or other; and hence the writers of each system naturally adopted that particular political theory which was more or less in harmony with their respective views of church policy.

The execution of the king was, of itself, one of the most important political events the world ever witnessed. It imparted to the public mind of Europe new views of the ends or purposes of governments, and of the reciprocal duties of citizenship which spring out of, and sustain them. There can be little doubt, but that the writings which had previously appeared in England, and even on the continent, relative to the lawfulness and expediency of punishing royalty, when neglectful of its sacred and weighty obligations, had made a deep impression on the minds of the speculative politicians of the day, of all shades of party and opinion. The old ideas of irresponsible power had been greatly weakened by the repeated and eager discussions of various theories and schemes of general polity. The treatises on the subject had been numerous even in our own country; and the more scientific part of them had so clearly and forcibly developed the abstract nature of monarchical rule, that men, for the first time in their history, saw the justice, as well as necessity, of putting some limitation to royal prerogatives and privileges. Regal punishment, which appeared, at first, a daring and impious doctrine, soon became the current train of public thought, and the every day conversation of the multitude. Whether Charles fully merited to be selected as the first example of national vengeance, is not the proper view of the matter. It was the principle embodied in the people's right and power to bring to trial and pronounce judgment, that constituted the vital question at issue. Whether his death was justifiable or not, judged by the number and enormity of his own delinquencies, certain it is, that the event gave birth, shortly

after his execution, to the most elaborate development of political doctrines. The discussions on the justice and policy of his end, gave rise to treatises on the nature of general government, and social institutions, of inestimable value and importance.

DR. GAUDEN, was the person who published, in 1648, "Eikon Basilike; or, the Portraiture of His Sacred Majesty in his Solitude and Sufferings." It is now generally understood that Gauden wrote a great part of this work*. It contains a defence of the king, which, in many parts, is very touching and affecting.

The lines written by Charles, when confined in Carisbrook Castle, are interesting. They are in the form of an address to the Deity. The verses, descriptive of the political questions at issue between himself and his people, are here transcribed.

" Nature and law, by thy divine decree,
The only root of righteous royaltie,
With this dim diadem invested me.

" With it, the sacred sceptre, purple robe,
The body unction, and the royal globe;
Yet I am levell'd with the life of Job.

" The fiercest furies, that do daily tread
Upon my grief, my grey discrowned head,
Are those that owe my bounty for their bread.

" They raise a war, and christen it *the cause*,
While sacrilegious hands have best applause,
Plunder and murder are the kingdom's laws.

" Tyranny bears the title of taxation,
Revenge and robbery, are reformation,
Oppression gains the name of sequestration.

* See on this subject, Nichol's Lit. Anecdotes. and Lang's Scotland; also, "Who wrote Eikon Basilike?" by Dr. Wordsworth. London, 1824.

“ My loyal subjects, who, in this bad season,
Attend me, (by the laws of God and reason,)
They dare impeach, and punish for high treason.

“ Next at the clergy do their furies frown,
Pious episcopacy must go down,
They will destroy the crosier and the crown.

“ Churchmen are chain'd, and schismatics are freed,
Mechanicks preach, and holy fathers bleed,
The crown is crucified with the creed.

“ The church of England doth all factions foster,
The pulpit is usurpt by each imposter,
Extempore excludes the *Pater-noster*.

“ The Presbyter and Independent seed
Springs with broad blades. To make religion bleed,
Herod and Pontius Pilate are agreed.”

ARCHBISHOP USHER wrote in defence of Charles I.,
“The power of the Prince, and the Obedience of the
Subject,” a work of some little note in its day.

JOHN MILTON was one of the chief leaders of the
puritan writers, and a complete host in himself. His
first political writings relate to church government.
Up to his thirty-eighth year, he had published five
distinct tracts on this subject. They roused the ire of
many of the established clergy. In 1644 he published
his speech on the liberty of the press, under the title
of “Areopagitica, a Speech of Mr. John Milton for the
Liberty of Unlicensed Printing.” This was a spirited
and argumentative defence of this great bulwark of
the freedom and happiness of nations.

After the trial and execution of Charles I., he entered
into a defence of this measure, in a tract, called
“The Tenure of Kings and Magistrates.” Here he
lays down the right of citizens to put “a tyrant or

wicked king," to death, on due conviction, "by any who possess the power," should the ordinary magisterial authority be insufficient for the purpose. The work is not a general plea for regicide, nor an attack on the late king, but it simply lays down the principle, that when rulers are insensible to the miseries of the people, and unblushingly tyrannise over them in every possible way, that resistance becomes then a duty, and punishment justifiable. Milton defends himself from the charge of making a general onslaught on the office of monarchy; and remarks in his "Second Defence of the People of England," in reference to the favourable reception which Christiana, Queen of Sweden, gave to his first "Defence," "That when the critical emergencies of my country demanded that I should undertake the arduous and invidious task of impugning the rights of kings, I should meet with so illustrious, so truly a royal evidence to my integrity, and to this truth, that *I had not written a word against kings, but only against tyrants, the spots and pests of royalty.*" This "Tenure of Kings," has been considered one of the most ably reasoned of Milton's political works, particularly from his having placed the great principles of constitutional law, treated of by previous writers, in so clear and convincing a point of view. Mr. Phillips tells us, "This treatise, reviving the fame of other things Milton had formerly published, he was more and more taken notice of for his excellency of style, and depth of judgment; and courted into the service of the commonwealth."

In 1649, Milton, at the request of the council of state, wrote his "Iconoclastes," in answer to the "Eikon Basilike," of Charles I. Milton tells us, that

his object in writing this answer to the royal defence was, "not a desire to descant on the misfortunes of a person fallen from so high a dignity; nor, by the fond ambition, or the vanity to get a name, present or with posterity, by writing against a king; but for their sakes, who, through custom, simplicity, or want of better teaching, have not more seriously considered kings than in the gaudy name of majesty, and admire them and their doings, as if they breathed not the same air with other mortal men." This work led Milton into a controversy with Salmasius, who, in defence of Charles I., wrote his "*Defensio Regia*." Milton's reply to this, was his "*Defensio pro Populo Anglicano*," which made its appearance in 1651. This reply extended the reputation of the poet beyond the limits of his own country; for many distinguished men in foreign courts complimented him on his learned and unanswerable statements and arguments. The work was translated into Dutch, and likewise French; but the learned doctors of the Sorbonne caused it to be burnt, first at Paris, and then at Toulouse. Christina of Sweden, admired this "Defence" so much, that it has been said, that she dismissed with indignity, the author's opponent, Salmasius, from her court. But this work of the great poet's is, unquestionably, disfigured by great blemishes. It is tedious and prolix; it often wanders from the grand question at issue; his attempts at wit are often miserable failures; and there is no small portion of indelicate and coarse vituperation strewed up and down the performance, unworthy of his reputation and character. Still, with all these, and many other drawbacks, we find a rich vein of learning and sound reasoning; and the main

principles of his theory of what a just and equitable government should be, are clearly and forcibly developed.

In 1659, Milton published his "Treatise of Civil Power in Ecclesiastical Causes," and his "Considerations touching the best Means of removing Hirelings out of the Church." Shortly after, when General Monk held the supreme power of the state in his hands, by virtue of the army, Milton addressed a tract to him, entitled, "Brief Declaration of a Free Commonwealth Easy to be put in Practice, without Delay;" and this was soon followed by another, called a "Ready and Easy Way to Establish a Free Commonwealth;" in both of which publications he pleads for a republic in preference to a monarchy. His counsel, however, was not heeded. The Restoration came, and Milton retired into a place of concealment, there to meditate on, and bring to perfection, that production of his lofty muse, which has rendered his name immortal.

Amongst the collection of proclamations now in Chetham's Library, is one (No. 557), a black letter broadside of the year 1660, commanding the calling-in and suppression of two works by the author of "Paradise Lost," and a third book by a less eminent writer. This state paper runs thus:

"A proclamation for calling in and suppressing of two books written by John Milton; the one intituled, 'Johannis Miltoni Angli pro Populo Anglicano Defensio contra Claudii Anonymi, alias Salmasii, Defensionem Regiam;' and the other in answer to a book intituled, 'The Pourtraiture of his Sacred Majesty in his Solitude and Sufferings;' and also a third book in-

intituled 'The Obstructors of Justice,' written by John Goodwin, 1660."

"By the king.

"A PROCLAMATION.

"For calling in, &c. }
"Charles R. }

"Whereas John Milton, late of Westminster, in the county of Middlesex, hath published in print two several books, the one intituled 'Johannis Miltoni Angli, pro Populo Anglicano Defensio, contra Claudii Anonymi, alias Salmasii Defensionem Regiam;' and the other in answer to a book intituled 'The Pourtraiture of his Sacred Majesty in his Solitude and Sufferings;' in both of which are contained sundry treasonable passages against us and our government, and most impious endeavours to justifie the horrid and unmatched murder of our late dear father of glorious memory.

"And whereas John Goodwin, late of Coleman-street, London, clerk, hath also published in print a book intituled 'The Obstructors of Justice,' written in defence of the traiterous sentence against his said late majesty. And whereas the said John Milton, and John Goodwin are both fled, or so obscure themselves that no endeavours used for their apprehension can take effect, whereby they might be brought to regal tryal, and deservedly receive condigne punishment for their treasons and offences.

"Now to the end that our good subjects may not be corrupted in their judgments with such wicked and traiterous principles as are dispersed and scattered throughout the before-mentioned books, we, upon the motion of the commons in parliament now assembled,

do hereby streightly charge and command all and every person and persons whatsoever, who live in any city, burrough, or town incorporate within this our kingdom of England, the dominion of Wales, and town of Berwick-upon-Tweed, in whose hands any of those books are, or hereafter shall be, that they, upon pain of our high displeasure and the consequence thereof, do forthwith, upon publication of this our command, or within ten dayes immediately following, deliver, or cause to be delivered, to the mayor, bayliffs, or other chief officer or magistrate, in any of the said cities, burroughs, or towns incorporate, then to the next justice of peace adjoining to his or their dwelling or place of abode; or if living in either of our universities, then to the vice-chancellor of that university where he or they do reside.

“And in default of such voluntary delivery which we do expect in observance of our said command, that then and after the time before limited expired, the said chief magistrates of all and every the said cities, burroughs, or towns incorporate, the justices of peace in their several counties, and the vice-chancellors of our said universities respectively, are hereby commanded to seize and take all and every the books aforesaid, in whose hands or possession soever they shall be found, and certifie the names of the offenders unto our privy council.

“And we do hereby also give special charge and command to the said chief magistrates, justices of the peace, and vice-chancellors respectively, that they cause the said books which shall be so brought into any of their hands, or seized or taken as aforesaid, by virtue of this our proclamation, to be delivered to the re-

spective sheriffs of those counties where they respectively live, the first and next assizes that shall after happen. And the said sheriffs are hereby also required in time of holding such assizes, to cause the same to be publicly burnt by the hand of the common hangman.

“And we do further streightly charge and command that no man hereafter presume to print, vend, sell, or disperse any of the aforesaid books, upon pain of our heavy displeasure, and of such further punishment, as for their presumption in that behalf, may any way be inflicted upon them by the laws of this realm.

“Given at our court at Whitehall, the thirteenth day of August, in the twelfth year of our reign, one thousand six hundred and sixty.—God save the King.

“London: printed by John Bill, printer to the King’s most Excellent Majesty. 1660*.”

Milton’s notions of religious establishments, may be found in his work, called, “Reasons of Church Government.” He thinks the bishops dangerous in a political point of view. “Indeed,” says he, “they stand so opportunely for the disturbing or the destroying of a state, being a knot of creatures, whose dignity, means, and preferments, have no foundation in the gospel, as they themselves acknowledge; but only in the prince’s favour; whence it must needs be, they should bend all their intentions and services to no other ends to his; and if it should happen that a tyrant (God turn such a scourge from us to our enemies,) should come to grasp the sceptre, here were his spearmen and his lances; here were his firelocks ready;

* £10 has recently been given at public sales for an original copy of this Proclamation.

he should need no other pretorian band nor pensionary than those, if they could once, with their perfidious preachments, awe the people." Still more striking is the following denunciation of an episcopal hierarchy. "But they—that by the impairing and diminution of the true faith, the distress and servitude of their country, aspire to high dignity, rule, and promotion here, after a shameful end in this life (which God grant them!), shall be thrown down eternally, into the darkest and deepest gulph of hell; where, under the despiteful control, the trample and spurn of all the other damned, who, in the anguish of their torture, shall have no other ease than to exercise a raving and bestial tyranny over them, as their slaves and negroes, they shall remain in that plight for ever, the basest, the lowermost, the most dejected, most underfoot, and down-trodden vassals of perdition*."

The following lines on the "Forcers of Conscience," are powerfully and indignantly expressed.

"Because you have thrown off your prelate lord,
And with stiff vows renounced his Liturgy,
To seize the widow'd whore Plurality
From them whose sin ye envied, not abhorr'd;
Dare ye for this abjure the civil sword
To force our consciences that Christ set free,
And ride us with a classic hierarchy,
Taught ye by mere A. S. and Rotherford?

Men, whose life, learning, faith, and pure intent,
Would have been held in high esteem with Paul,
Must now be named and printed heretics,
By shallow Edwards and Scotch what d'ye call:
But we do hope to find out all your tricks,
Your plots and packing worse than those of Trent
That so the Parliament

* Treatise on Reformation, vol. i. p. 274.

and his imagery so much overlayed by classical allusions, that even men of some reading in his own lifetime, could scarcely comprehend him on a first perusal. We find very little in his political speculations of what goes commonly under the denomination of theory. Of genuine philosophical talent and analysis he was remarkably deficient. But still there are passages in his writings on public affairs, so magnificent and powerful, that anything to compare with them cannot be found in any other writer, either before or since his day.

But that which is his highest praise as a political writer, is his real disinterestedness, and patriotic devotion to what he considered the truth, and the public weal. His own language on this point is noble and deeply affecting. "No one ever knew me either soliciting anything myself, or through the medium of my friends; no one ever beheld me in a supplicating posture at the doors of the senate, or the levees of the great. I usually kept myself secluded at home, where my own property, part of which had been withheld during the civil commotions, and part of which had been absorbed in the oppressive contributions which I had to sustain, afforded me a scanty subsistence. My hands were never soiled with the guilt of peculation; I never was even an obolus the richer by those exertions which you most vehemently traduce. I invoke the Almighty to witness, that I never at any time wrote anything which I did not think agreeable to truth, to justice, and to piety. This was my persuasion then, and I find the same persuasion now. Nor was I ever prompted to such exertions by the influence of ambition, or the lust of lucre or of praise; it

was only by the conviction of duty, and the feeling of patriotism, a disinterested passion for the extension of civil and religious freedom*.”

Milton seems to have entertained lofty and magnificent hopes of the future destinies of political science, and the future pleasures which await all those who honestly and intelligently promote its development and extension. “In that futurity,” says he, “amid the hymns and hallelujahs of saints, some one may perhaps may be heard, offering as high strains in new and lofty measures, to sing and celebrate the divine mercies and marvelous judgments in this land, throughout all ages; whereby this great and warlike nation, instructed and inured to the fervent and continual practice of truth and righteousness, and scattering far from her the rags of her old vices, may press on hard to that high and happy emulation, to be found the soberest, wisest, and most christian people at that day, when Thou, the Eternal, and shortly expected King, shalt open the clouds to judge the several kingdoms of the world; and distributing national honours and rewards to religious and just commonwealths, shall put an end to all earthly tyrannies, proclaiming thy universal and mild monarchy, through heaven and earth. Then they, assuredly, that by their labours, counsels, and prayers have been earnest for the common good of religion and their country, shall receive, above the inferior orders of the blessed, the regal addition of principalities, legions, and thrones, into their glorious titles; and in super-eminence of beatific vision, progressing the dateless and irrevoluble circle of eternity, shall clasp inseparable hands with joy and bliss in over-measure for ever.”

* Second Defence, p. 238.

JOHN GOODWIN was a political writer in the civil wars, of great zeal, but of great coarseness, and virulence. He published, "Anti-Cavalierisme; or, Truth Pleading the Necessity, as the Lawfulness of this Present War, for the Suppressing that Butcherly Brood of Cavaliering Incendiaries," &c. "The Butcher's Blessing; or, the Bloody Intentions of Romish Cavaliers against the City of London;" "The Obstructors of Justice." This last work was inserted in the proclamation against Milton's works.

JOHN PHILLIPS, a nephew of Milton's, was an active political pamphleteer, of coarse mind and unsteady principles. He served all parties by turns; and even insulted the memory of his venerable uncle, within two years of his death. In 1697, he celebrated the accession of William to the throne, as *Augustus Britannicus*, in a poem "On the Peace of Ryswick." He died in 1704.

CLEMENT WALKER was another political author in these troubled times. He was of rigid presbyterian principles, and opposed the movements of the independent party, with all his energy and zeal. In 1648, he published his "History of Independency," which provoked Cromwell and his friends to the highest pitch of wrath and bitterness. Walker followed this up with another work called "Cromwell's Slaughter House," which ultimately caused him to be sent to prison, where he died in 1651.

HENRY CARY, Earl of Monmouth, published in 1646, "Political Discourses," which were considered in their day as able and spirited productions.

HIAM.—The proper name of this political writer is said to have been ABIEZER COPPE. He was a native

of Warwick, and post-master of Merton College, Oxford. He was violent and fanatical in the extreme, and, after the overthrow of the established Episcopal Church, gave himself up to the wildest excesses of the presbyterian party. He gave his political pamphlets singular names. One was published in 1648, in London, entitled, "Two or three Days before the Eternal God thundered at Great St. Helen's;" and another, dated 1650, he called "The Fiery Flying Roll." For this he was committed to Newgate, where he was detained for about a year; when, upon publishing a recantation, under the title of "The Wings of the Fiery Flying Roll Clipped; or, Coppe's Return to the Way of Truth," he was set at liberty.

The political tract called "Killing no Murder," attributed to Col. Titus*, was an influential production during the protectorate. It was what is called *well-timed*, and excited more attention than any other political effusion of the day. It was aimed at Cromwell, who, historians affirm, never regained his former flow of spirits after its appearance.

The work is dedicated to him, and the following is a quotation from the ironical preface: "To your highness justly belongs the honour of dying for the people; and it cannot chuse but be an unspeakable consolation to you in the last moments of your life, to consider with how much benefit to the world you are likely to leave it. It is then only, my lord, the titles you usurp will be yours. You will then be, indeed, the deliverer of your country, and free it from bondage little inferior to that from which Moses delivered his†."

* A Col. Sexby is said to have been the real author of this work.

† See the collection of what is called the "King's Tracts," in the British Museum, which contains a vast number of political tracts, between the years 1640, and 1641.

The following passages are taken from this curious production, "All remedy therefore, against a tyrant is *Ehud's dagger*, without which all our laws were fruitless, and we helpless. This is that high court of justice where *Moses* brought the Egyptians, whither *Ehud* brought *Eglon*; *Samson*, the *Philistines*; *Samuel*, *Agag*, and *Jehoida*, the she-tyrant *Athaliah*." The writer then goes on in his pamphlet to illustrate this general position, as to the right and expediency of killing tyrants, by a reference to the scripture history of these persons mentioned. In another part of the tract is the following pointed passage as to the justice of taking Cromwell's life.

"Some I find of a strange opinion, that it were a generous and a noble action to kill his highness in the field; but to do it privately, they think it unlawful, but know not why; as if it were not generous to apprehend a thief till his sword were drawn, and he in a position to defend himself, and kill me. But these people do not consider, that whosoever is possessed of power, any time, will be sure to engage so many either in guilt, or profit, or both, that to go about to throw him out, by open force, will very much hazard the total ruin of the commonwealth. A tyrant is a devil, that tears the body in exorcising, and they are all of *Caligula's* temper, that if they could, they would have the whole frame of nature fall with them. It is an opinion that deserves no refutation, than the manifest absurdity of itself, that it should be lawful for me to destroy a tyrant with hazard, blood and confusion, but not without."

BISHOP SANCROFT, well-known as one of the seven bishops, committed to the Tower by James II. for

his conscientious attachment to the laws of his country, published in 1652, his "Modern Politics, taken from Machiavel, Borgia, and other Modern Authors, by an Eye-witness." This work is highly interesting and curious, when viewed in connection with the political feelings and sentiments of the times.

BAXTER wrote his "Holy Commonwealth," about 1650. He acted with the Cromwell party; but it was always understood that he was favourable to the monarchical form of government, guarded by sufficient securities. He was persecuted by the relentless judge Jeffreys; fined 500 marks, and confined eighteen months in prison.

At the restoration of Charles II., commencing in 1660, republican sentiments were again thrown comparatively into the shade. All classes seemed eager to adopt monarchical ideas and theories of government, and to give once more nearly an absolute license to royal authority. We now find the same class of political writings on the kingly prerogatives, which were so numerous in the reign of his father.

The controversy on the nature of ecclesiastical government, and of the modes and degrees in which it effected the civil rights and privileges of the people, was of such an intense and engrossing kind, that it has been computed that, within the twenty years, from 1640 till 1660, not less than *thirty thousand* pamphlets and treatises issued from the press on the subject*. And we find that in the reign of James II. there were published *one thousand* distinct dissertations for and against popery, and developing the general principles of toleration†.

* Macaulay.

† See Catalogue, by Francis Peck, London, 1735.

THOMAS HOBBS.—“De Cive,” 1642; “De Corpore Politico,” 1650; “Leviathan,” &c. Hobbes is one of the most distinguished political writers of the seventeenth century. According to his system, civil society is not a natural thing; for though men may have a certain feeling towards each other's society, this does not prove that they are fit for it, nor that they will readily comply with its formal rules and regulations. Nature has not made a very great distinction among men as to bodily vigour and knowledge. There is, therefore, no ground for any superiority among them. But their passions and desires vary considerably; some are full of notions of pride and vain glory, and seek for distinction and power; and others, again, are content with equal rights and privileges. This creates contention; and, consequently, society is really in a state of warfare.

There must be a controlling power in the state to punish violent conduct among the members of a community; for, without this power, every man will rely on his own strength or skill. This power must be in the hands of one man; for, if conferred upon a multitude, it will prove abortive.

According to Hobbes, sovereign power can neither be limited nor divided; and there can only be three forms of a commonwealth; monarchy, aristocracy, and democracy. He gives the preference to the first, chiefly on the ground that he conceives a king can have no interest apart from his people; whereas in aristocratic and democratic institutions, each individual may have some private advantage in view. The same disadvantages which are commonly alleged as resulting from the rapacity of monarchical rulers in

favour of their courtiers and flatterers, are equally conspicuous under every form of popular government.

Hobbes displayed less consistency in his reasonings on political topics, than on any other subject he attempted to discuss. One contradictory statement and opinion follows another, in rapid succession. Sometimes we find him on the democratic, and sometimes on the despotic side of civil right and authority. It is on this account, that none of his numerous enemies, and commentators, have been able, up to the present time, to give a concise and general summary of what his real opinions on general polity were.

“The political system of Hobbes,” says an able writer*, like his moral system, of which, in fact, it is only a portion, sears up the heart. It takes away the sense of wrong, that has consoled the wise and good in their dangers, the proud appeal of innocence under oppression, like that of Prometheus to the elements, uttered to the witnessing world, to coming ages, to the just ear of heaven. It confounds the principles of moral approbation, the notions of good and ill desert, in a servile idolatry of the monstrous leviathan it creates, and often sacrificing all right at the altar of power, denies to the omnipotent, the prerogative of dictating the laws of his own worship.”

GEORGE BATE was an English physician, and a political writer of note and reputation. His chief work on politics is “*Eleuchus Motuum nuperorum in Anglia, simul ac juris Regii a Parlamentarii brevis Enarratio*,” 1660. This account of the late commotion in England, and the brief relation of royal and parliamentary prerogatives, is deemed one of the most able and

* Hallam.

impartial, that has come down to our time. He has been accused of a decided leaning towards the political tenets of the puritans, but this is an unfair and groundless charge.

ZOUCH.—“*Quæstiones Juris Civilis*,” Oxon, 1660. The grand distinction made by the writer of the nature of law is, that what is called the *natural law*, is that which is common to all natural agents; and the *law of reason*, is that which is peculiar to rational beings. The questions discussed in this treatise are divided into ten classes; each of which gives rise to a great variety of subdivisions. The constitutional arguments and statements will be found in the first class.

The “*Edinburgh Review*” observes, in reference to Zouch, that “He was distinguished by talents as well as learning; and to him we owe the introduction of the term “*Law between Nations*,” or as it has been called by Helvetius, and Mr. Bentham, “*Internal Law* ;” which steadily distinguishes the modern sense of “*Law of Nations*,” from the acceptation of that phrase among the Roman lawyers, in whose language it denoted a system of those rules, by which all men, except, perhaps, brutish savages, regulated, or, professed to regulate, their actions*.”

DR. JEREMY TAYLOR’S Works, 1660, are valuable testimonies in favour of the liberty of thought. His “*Liberty of Prophesying*,” 1657, is a valuable treatise, and has kept possession of the public mind of England ever since its appearance. In this work he shows the unreasonableness and impolicy of prescribing other men’s faith, and of persecuting for a difference of opinion†.

* Vol. 27, p. 232.

† See in particular, the 10th sec. of this treatise.

EDWARD WOLLEY, D.D.—“Loyalty among the Rebels,” 1662. The author describes a true king, as one who, “By the right of an unlimited, just, prerogative, has power to regulate and moderate the vicissitudes of peace and war ; and, by grant and commission from heaven, to superintend and to exercise an imperial and sovereign power over all concerns, whether ecclesiastical, civil or military.” Again he says, “Kings, as mortal gods, create and destroy, make or unmake at pleasure, give life or send death to their subjects, are judges over all, and account to none.”

SIR ROGER L'ESTRANGE was one of the active spirits of these revolutionary times. He attached himself to the cause of Charles I. In 1663 he established the “Public Intelligencer,” which was, shortly after its appearance, discontinued, or merged into the “London Gazette.” In 1679 he set up a paper called the “Observator,” in defence of the measures of the court. This was, likewise, discontinued about seven years after, in consequence of the author's differing with James on the question of toleration. Besides these periodical works, he published a great number of detached political pamphlets, which contain much useful matter, but are stained by coarse and vulgar abuse. Granger says his style was so rude and low, that he was the great corruptor of the English language. L'Estrange has but an indifferent character for patriotism ; for he is charged, and upon good authority, with being one of the most unscrupulous and venal political scribes of the day.

L'Estrange was the author of that beautiful ballad, called “Loyalty Confined.” It is too long for entire insertion, but we shall give four of the stanzas.

“ That which the world miscals a jail,
 A private closet is to me ;
 Whilst a good conscience is my bail,
 And innocence my liberty ;
 Locks, bars, and solitude, together met,
 Make me no prisoner, but an anchoret.

“ I, whilst I wisht to be retir’d,
 Into this private room was turn’d ;
 As if their wisdoms had conspir’d,
 The Salamander should be burn’d ;
 Or like those sophists, that would drown a fish,
 I am constrain’d to suffer what I wish.

* * * * *

“ I am a bird, whom they combine
 Thus to deprive of liberty ;
 But though they do my corps confine
 Yet meagre hate, my soul is free ;
 And though immur’d, yet can I chirp and sing,
 Disgrace to rebels, glory to my king.

“ My soul is free as ambient air,
 Although my baser part’s immew’d,
 Whilst loyal thoughts do still repair
 T’ accompany my solitude :
 Although rebellion do my body binde,
 My king alone can captivate my mind.”

The first part of BUTLER’S “Hudibras” was published in 1663, and was made popular at court by the Earl of Dorset. The church-and-state politicians were in extacies with it, and quoted it on all occasions. As a piece of political ridicule and sarcasm, it is unrivalled even at this hour ; and the reason is, that though many of its allusions and points are scarcely recognisable, from a change of manners, yet the great leading outline of the poem is based upon principles of human nature, that are always manifesting themselves in the

public movements of mankind. Wit and humour, founded on such principles, are as racy at one time as another.

In Butler's posthumous works, in three volumes, there are several satirical effusions, both in prose and verse; but they are very much below the standard, in point of literary excellence, of his "Hudibras." The authenticity of many of the political papers ascribed to Butler has been recently called in question; and there certainly seems some good ground for the scepticism on their genuineness, from the low and rabid vulgarity which pervades the most of them.

SAMUEL JOHNSON was an active and redoubtable champion for popular rights at this time. He was a clergyman of the Church of England, and had been chaplain to Lord Russel. During the reign of Charles II. he published a political work, called "Julian the Apostate," which was chiefly levelled at the character of the Duke of York, afterwards James II. The author attempted to show, and with great learning, that the christians of the fourth century did not maintain the doctrine of non-resistance. He quoted several of the fathers to support his position; and even went so far as to say, that the dart which was thrown at Julian, came, undoubtedly, from some patriotic and zealous christian in the Roman army. These statements and opinions excited a lively controversy. But Johnson was not a man to be set aside by a trifle. He reiterated his arguments, and drew a parallel between Julian and James, then Duke of York, much after this fashion:—Julian pretended a deep-seated abhorrence of idolatry, while in heart he was an idolator; that the Roman emperor, to serve a present

purpose, often affected a degree of liberality of sentiment, which he inwardly despised; that Julian had punished various cities, by depriving them of their civil liberties, for adhering to the true religion; that Julian had been, by his courtly sycophants, called the Just; and that in all these particulars, and in many others, there was, undoubtedly, a public character in the British nation who bore a striking resemblance to this hated and hateful Roman emperor.

This work brought upon Johnson an immediate prosecution; and he was sentenced to imprisonment and fine. He lived within the rules of the King's Bench, not being able to pay his fine. But fresh troubles awaited him. When James II., who had always kept a steady eye on him, assembled his troops on Hounslow-heath, Johnson wrote another paper and distributed it widely among the soldiers, entitled, "An Humble and Hearty Address to all the English Protestants in the present Army." For this the author was committed to close confinement, condemned to stand in the pillory in three different localities, to pay a fine of five hundred marks, and to be publicly whipped from Newgate to Tyburn. When this sentence was pronounced, the judge congratulated the prisoner on the great lenity shown him by the attorney-general, who might have tried him for high treason, "I owe him no thanks," said Johnson. "Am I, whose only crime is that I have defended the church and the laws, to be grateful for being scourged like a dog, while popish scribblers are suffered daily to insult the church, and to violate the laws with impunity?"

Before the punishment of flogging was inflicted,

Johnson was deprived by the ecclesiastical commission of his gown. A whip of nine lashes was made, and three hundred and seventeen stripes inflicted; but he was never seen to wince under them when dragged at the tail of the cart. He tells us, himself, that in the midst of his suffering and degradation, he often remembered the cross which had been carried by the Saviour himself to Mount Calvary; and that this idea supported him so powerfully, that had it not been that he might have given an occasion to his enemies to charge him with vain glory, he would have sung a psalm to the Almighty with cheerfulness of heart, under the infliction of his unjust punishment.

When the Restoration came, Mr. Johnson wrote *Revolutions* several tracts in favour of this great change, and the proceedings that had previously been taken against him, were reversed. He received as a compensation one thousand pounds, and three hundred per annum. His work, with his life, are published in a folio volume, 1713.

As a political writer, he was courageous, able, and sincere. He had an enlightened view of the nature of civil rights and privileges; and, above all things, seemed to have a deep-rooted jealousy against standing armies in times of peace. His several writings, even at the present date, will amply repay a perusal.

ANDREW MARVEL. — This distinguished political writer and satirist, has been called the "British Aristides." His personal character is so exalted and pure, that he has long been considered as one of the noblest specimens of incorruptible patriotism that England has ever produced.

His works are numerous both in prose and verse*. They all breathe the spirit of freedom, and likewise show that he was well versed in the general knowledge of governments; but they have not been so frequently read and appealed to by subsequent writers, as might have been expected, considering the singular piquancy of their style and matter, so well fitted for the every day skirmishing of political parties. But so it is; Marvel has been thrown comparatively into the background, notwithstanding the distinguished position he held as a political writer during one of the most eventful epochs of our history.

Marvel's principal poems on political subjects, are the following:—"Britannia and Raleigh;" "Advice to a Painter;" "Nostradamus's Prophecy;" "An Historical Poem;" "Hodge's Vision from the Monument;" "A Dialogue between two Horses;" "On the Lord Mayor and Court of Aldermen;" "On Blood's Stealing the Crown;" "Farther Instructions to a Painter;" "Oceana and Britannia;" "Royal Resolutions." Marvel published, a little before his death, "An Account of the Growth of Popery and Arbitrary Government in England," 1678. In this he lays down what are the principles of the British constitution, and shows that the glory of the monarch, and the happiness of the people, depend upon a strict observance of their respective duties and obligations. This work galled the court severely; and a proclamation appeared in the "Gazette," offering a reward of £50 for the discovery of the printer of it, and for the publisher, a reward of £100.

* Works by Capt. Thompson, 3 vols. 4to, 1786.

One of the best known *jeu d'esprit* of Marvel's, is his lines on "The Parliament House to Let."

" Here's a house to be let,
For Charles B——d swore
On Portsmouth's ——,
He would shut up the door.

" Inquire at the lodgings
Next door to the Pope,
At Duke Lauderdale's head,
With a cravat of rope.

" And there you will hear
How next he will let it ;
If you pay the old price,
You will certainly get it.

" He holds it in tail
From his father, who fast
Did keep it long shut,
But paid for't at last."

It is stated by Mr. Dove, one of Marvel's biographers, that he had rendered himself so obnoxious to the court, that he was beset on all sides by his enemies, who even went the length of menacing his life. He was obliged to refrain from appearing much in public, and was often compelled to conceal the place of his abode. He died in 1678, in the fifty-eighth year of his age, not without strong suspicions of having fallen a victim to poison.

MASON, in his "Ode to Independence," says of Marvel,

" In awful poverty his honest muse,
Walks forth vindictive through a venal land ;
In vain *corruption* sheds her golden dews,
In vain *oppression* lifts her iron hand ;
He scorns them both, and arm'd with *truth* alone,
Bids Lust and Folly tremble on the throne."

WILLIAM DENTON, a physician, took an active part in the revolutionary contest, as a political writer. He wrote a great number of works; among the chief of these are, "The Burnt Child dreads the Fire; or, an Examination of the Merits of the Papist relating to England," 1765. "Horæ Subsecivæ; or, a Treatise Showing the Original Grounds, Reasons, and Provocations, necessitating our Sanguinary Laws against Papists, made in the Days of Queen Elizabeth," 1666. "Jus Cæsaris et Ecclesiæ vere Dictæ," 1681. On the accession of William and Mary, Denton dedicated to the crown his "Jus Regiminis," which contained a justification of the necessity there was to make an appeal to arms for the maintenance of the people's rights.

"An Essay upon the Origin and Nature of Government," written in 1672, by SIR WILLIAM TEMPLE, is a small dissertation on the subject mentioned in the above title; and is worthy of notice for the clearness and simplicity of his views. All political authority among men, arises, in the author's opinion, from the wisdom, goodness, and valour among certain portions of a community. Sir William enters briefly into the examination of several of the popular theories of the origin of government known in his day; but after subjecting them to an individual analysis, he is inclined to give the preference to the family or patriarchal scheme.

DR. SAMUEL PARKER, wrote his "Ecclesiastical Polity," 1670, in which he declares "It is better to submit to the unreasonable impositions of *Nero*, and *Caligula*, than to hazard the dissolution of the state." He likewise lays down the principle, "that it is ab-

solutely necessary to the peace and government of the world, that the supreme magistrate of every commonwealth should be vested with a power to govern, and conduct the *conscienc*es of subjects in affairs of religion, * * * Princes may, with less hazard, give liberty to men's *vices*, than to their *conscienc*es. * * * That to show tenderness and indulgence to sectarians, were to nourish vipers in our bowels, and the most sottish neglect of our own quiet and security."

This work called forth a spirit of retaliation. Dr. OWEN wrote his work in opposition to these illiberal and violent sentiments, called "Truth and Innocence Vindicated." Parker published a rejoinder, "A Defence and Continuation of the Ecclesiastical Polity;" in which he calls Owen the "Great Bell-weather of Disturbance and Sedition. * * * * The *viper* is so swelled with venom, that it must either burst or split." Andrew Marvel entered into the controversy, and lashed Parker severely in his "Rehearsal Transposed;" in which the sturdy republican layman says, that "If he (Parker), chance but to sneeze, he prays that the *foundations of the earth* be not shaken. Ever since he crept up to be but the *weather-cock of a steple*, he trembles and creaks at every puff of wind that blows about him, as if the *Church of England* were falling."

DR. ROBERT SOUTH.—"The Peculiar Care and Concern of Providence for the Protection and Defence of Kings," 1675. This is the title of a sermon preached in Westminster Abbey, and afterwards published by its author. The leading object of it is to show "That God, in the government of the world, exercises a peculiar and extraordinary providence over the persons and lives of princes," and for this, among many other

reasons, "That kings are the greatest instruments in the hand of providence to support government, and civil society in the world."

JOHN NALSON, L.L.D., was the author of a work "On Monarchy," 1678. The main gist of this treatise, composed of ten chapters, is to show that monarchy is the only real and solid form of government, and the only one which can really promote the people's permanent happiness and prosperity.

HENRY NEVILLE was another republican writer, and in 1681, published his "Plato Redivivus; or, a Dialogue concerning Government." The work is amusing and readable. It contains a dissertation, in the form of dialogue, on the science of government generally; maintaining that the kingly power, ought to be in due subjection to the legislative power, or the will of the nation.

SIR ROBERT FILMER's "Patriarcha," 1680. This book made no small noise at the time of its appearance when notions of kingly prerogative ran high in England. The whole argument, on which the theory of Filmer is founded, is, that the early kings were fathers of families; and, therefore, became invested with political power, by virtue of this social connection. The author illustrates his doctrine, chiefly by quotations from the Old Testament. He maintains that not only till the flood, but after it, this patriarchal power continued. The three sons of Noah had the whole world divided among them by their parent, with this benediction, "Be fruitful and multiply, and replenish the earth." Most all the nations of the earth have aimed to refer their origin from some one of these sons or nephews of Noah, who were scattered abroad after the

destruction of the Tower of Babel. In this dispersion, we may find the germ of every kind of regal power which has prevailed throughout the world.

Few political treatises of this date, have undergone such a rigid examination, and have borne such grievous loads of ridicule and banter, as the "Patriarcha." It has been handled by all classes of critics—the grave and gay—the loyalist and republican—the philosophical legislator, and the party pamphleteer. It has been suggestive of some of the best works on government, not only in this country, but likewise on the continent; and it has not altogether lost its influence and interest, even in modern times. The real secret of Filmer's influence arises simply from the fact, that the general argument he undertook to defend was done in a very first rate style. No writer could have managed such materials better.

JOHN DRYDEN, the poet, employed his pen in political satire and party contests. In 1681, Charles II. induced him, by express request, to compose his famous political poem, "Absalom and Ahithophel," in which the principal incidents attendant on Absalom's rebellion against his father, are applied to Charles, the Duke of Monmouth, and the intrigues of the Earl of Shaftesbury. This production created Dryden many enemies, who were still further irritated by his "Medal, a Satire on Sedition." This was founded on the circumstance, that when the bill for high treason was ignored by the grand jury against Shaftesbury, the whigs caused a medal to be struck, to commemorate the event. The poem is full of bitterness.

DR. RICHARD CUMBERLAND's "De Legibus Naturæ," 1682, is an answer, or a pretended answer, to the

leading, moral, and political principles promulgated by Hobbes, in his several philosophical publications. The chief aim of the learned bishop is, to show that the notions of *right*, *justice*, and *law*, arise from the natural or intuitive suggestions of the human mind, and are not mere arbitrary or conventional terms. All mankind have the rudiments of justice and right imprinted, or stamped on their nature; and no framework of civilisation or legislative philosophy can be produced, that does not, in some modified, yet distinct and palpable manner, rest upon these rudimental axioms of human obligation and duty. This work of Bishop Cumberland's has long been, and is still, one enjoying a considerable share of reputation.

We have two works, about this time, which attempt to trace the origin of the representative system in England. The one is from the pen of Mr. Petyt, who published his "Rights of the Commons Asserted," 1680; and that of Dr. Brady's treatise "On Boroughs," 1683. The latter work is an answer to some of the chief statements of the former. To those who aspire to an accurate historical acquaintance with the rise of the House of Commons, and of minute matters of antiquarian learning connected with it, will find both these works of advantage.

BISHOP SANDERSON.—"Episcopacy, not prejudicial to Regal Power," 1683. This small work is written to the roman catholics, presbyterians, and independents, on the question as to the necessary connection between episcopacy as a system, and the rights of the sovereign. The author maintains that the *jus divinum* of episcopacy, as it is maintained by those called the prelatical party, is not an opinion so dangerous to

kings and states, as the opposite; but rather, of all forms of church government, it is the most simple and salutary for the happiness, and welfare of nations*.

SIR GEORGE MACKENZIE.—“*Jus Regium*; or, the Right of Monarchy,” 1684. This author was a distinguished lawyer and advocate to Charles II. The above work was an official answer to the doctrines of Buchanan, Milton, and others, as to the rights and privileges of the royal power. Mackenzie endeavours to prove that a monarch has an absolute right in his kingdom:—1st, from the law of God, as mentioned and laid down in the scriptures; 2nd, from the law of nature, “which every man finds planted in his own heart,” and which is obeyed without any other law, and for which men neither seek nor can give another distinct reason; and 3rd, from the law of nations. Sir George argues the question throughout his short essay, as a lawyer, rather than a statesman and philosopher†.

JOHN TUTCHIN was a political writer of the revolutionary era. He attacked church and state in no measured terms; but he did this at his cost, for the notorious Judge Jeffreys sentenced him to be whipped through all the principal market-towns in the West of England. He petitioned the king to have this sentence commuted to hanging! He fortunately took ill in prison, and this led to his pardon. He commenced and carried on, for some time, “*The Observer*” paper, 1702, in which he wrote many able and spirited articles in favour of general freedom.

SIR JOHN HARRINGTON.—The “*Oceana*” created a considerable sensation among politicians on its first

* P. 44.

† Works, vol. ii. p. 474.

appearance. Several answers appeared; among the number was Baxter's "Holy Commonwealth," which laboured hard to prove the fallacy of the general principles of the "Oceana," but without much success. Irrespective of the arguments on both sides, Harrington had the satisfaction of seeing the "Holy Commonwealth" burned, by a decree of the University of Oxford, along with some works of Hobbes and Milton. An abridgment of the "Oceana" was published by the author under the title of the "Art of Lawgiving." He every way enlarges on the benefits of a republican form of government, and of the advantages of the ballot.

The treatise opens with a well-written and profound exposition of the grounds and arguments for a republic; and these grounds and arguments are, throughout the progress of the work, more minutely developed in detail. His leading maxim is this: dominion follows the balance of property; that is, that the form of every government must be moulded in conformity with the mode in which property is distributed amongst all the members of the community. In pursuance of this idea, a sound and just agrarian law must be established before the republican form of government can be instituted. Without this preliminary measure is adopted, the political renovation of society cannot be secured; and for this reason, says the author, "Because, as to property producing empire, it is required that it should have some certain root or foot-hold, which, except in land it cannot have; being otherwise, as it were, upon the wing. Nevertheless, in such cities as subsist mostly by trade, and have little or no land, as Holland and Genoa, the balance of treasure may be equal to

that of land." This land must, however, be divided according to a given scale; and this the author calls the *agrarian* scale. Unless landed property be divided in some such way as the author points out, he maintains it is impossible that any government can exist for any length of time, whether its principles be monarchical, aristocratical, or democratical. He thinks the highest amount of property should be *two thousand pounds* per annum. His definition of a good government is, "One established upon an equal agrarian scale arising into the superstructure, or three orders—the senate debating and proposing; the people resolving; and the magistracy executing, by an equal rotation, through the suffrages of the people, *given by ballot*."

In the original folio edition of the "*Oceana*," there is a plate, representing the mode of taking the ballot practised in the government of Venice; a country, the legislation of which Harrington greatly admired. He says, "If I be worthy to give advice to a man that would study politics, let him understand Venice; he that understandeth Venice aright, shall go nearest to judge, notwithstanding the difference that there is in every policy, right of any government of the world*."

The "*Oceana*" had a somewhat ominous struggle for existence. Mr. Toland tells us the following story: After the death of Charles I., who had a high opinion of Harrington, the author was observed to keep his library more closely than usual. He was then engaged with the "*Oceana*." When he had made some considerable progress with the work, he made its nature known among some of his particular friends. This

* P. 292.

came to Cromwell's ears and he ordered the manuscript to be seized. Harrington endeavoured to recover it, but without success. In his despair he applied to Lady Claypole, Cromwell's favourite daughter, to whom he was personally unknown, but of whose affability and benevolence of disposition, he had heard much. Being ushered into her ladyship's room, he only found a child three years' of age. He entertained the child so divertingly, that she suffered him to take her up in his arms, till her mother came; whereupon he, stepping towards her and setting the child down at her feet, said, "Madam, 'tis well you are come at this nick of time, or I had certainly stolen this pretty little lady." "Stolen her," replied the mother, "pray what to do with her? for she is too young to become your mistress." "Madam," said he, "though her charms assure of a more considerable conquest, yet I must confess it is not love, but revenge, that prompted me to commit this theft." "Lord," answered the lady, "what injury have I done you, that you should steal my child?" "None at all," replied Harrington, "but that you might be induced to prevail with your father to do me justice, by restoring my child that he has stolen." But the lady urged that it was impossible, because her father had children enough of his own. He then revealed to her, at last, that the child he had lost, was the fruit of his brain, which had been grossly misrepresented to the protector, and taken out of the press by his order. Harrington's wit prevailed, and the lady got the work restored to him. It is said that Cromwell afterwards read the treatise, which was dedicated to him, and he greatly admired it.

Harrington wrote several political tracts, but they

are not of any great importance. He was the founder of the "Rota Club," and frequently addressed its members on the advantages of a commonwealth, and of a system of voting by ballot. He was seized, and committed to the Tower in 1661, and, after a great deal of hardship, obtained his release through the interference of Lord Bath; but not till his health had suffered severely from his confinement. He died in 1677.

Richard Baxter's "Holy Commonwealth," was written against Harrington's book; but the high church party did not relish it, and it was committed to the flames, at Oxford, in 1683, along with the works of Milton and Hobbes.

Harrington's work, "The Art of Law-making," 1659, is divided into three books. 1st,—Showing the foundations of all kinds of government. 2nd,—Pointing out the forms and maxims of the Hebrew Commonwealth; and 3rd,—Furnishing a model for popular government. Harrington was the author of several other political works, besides these now mentioned.

Hume says, "Harrington's 'Oceana' was well adapted to that age, when the plans of imaginary republics were the daily subjects of debate and conversation; and, even in our own time, it is justly admired as a work of genius and invention. The style of the author wants ease and fluency; but the good matter which his work contains makes compensation."

ALGERNON SIDNEY.—"Discourses on Governments." This work has, ever since its first appearance, maintained a firm hold of the political feelings of the people of England. It was written as a formal answer to the "Patriarcha" of Sir Robert Filmer; and it enters very minutely, and what many readers of the

present day will think laboriously, into an examination of the principles of paternal authority, from which Sir Robert attempts to derive all kingly power and authority; but, independently of the object for which the book is written, the "Discourses" have great merit in themselves, as they abound with ingenious illustrations of political truths, and numerous and singularly apt quotations from ancient authorities. The personal opinions of the author are republican; but are greatly modified from the general current of republican ideas of the present day, by the aristocratic influence which Sidney mixes up with his theoretical system.

The author was beheaded on Tower Hill, on the 7th December, 1683. His "Discourses" were first published by Mr. Foland, in 1698.

We must not forget here, that passage in Bunyan's "Pilgrim's Progress," which describes the proceedings against *Faithful*. The manner in which the witnesses give their evidence against him; the tyranny and insolence of the judge; the hatred and rancorous partiality of the jury; are all true representations of the sufferings of political writers under Charles II., who were inimical to the court and its measures. Bunyan makes Lord Hategood act as counsel for the prisoners.

Judge.—"Thou runagate, heretic, and traitor, hast thou heard what these honest gentlemen have witnessed against thee?"

Faithful.—"May I speak a few words in my defence?"

Judge.—"Sirrah, sirrah! thou deservest to live no longer, but to be slain immediately upon the place,

yet, that all men may see our gentleness to thee, let us hear what thou, vile runagate, hast to say."

EDMUND BOHUN, wrote "A Defence of Charles' Second Declaration." The same author published likewise a defence of the doctrine of Sir Robert Filmer, against the observations of Algernon Sidney; and a work upon passive obedience.

There are few political controversialists in England, but have often heard of the severe and summary methods that were, in former days, adopted to bring writers on public matters before the criminal tribunals of the country. The famous Judge Jeffreys was a notable instrument in his day for these crusades against political writers. We shall here give the form of one of his *general warrants*, which were so long held in public execration.

Copy of one of Judge Jeffreys' general warrants, 1684.

"Whereas I am informed that there are divers ill-disposed persons who write, print, and publish, treasonable, popish, seditious, and scandalous books, pamphlets, and pictures, endeavouring thereby to disturb the minds of his majesty's subjects, and the peace of the kingdom.

"These are therefore in his majesty's name, to charge and command you, and every of you, upon sight hereof, to be aiding and assisting to Robert Stephens, his majesty's messenger for the press, in making diligent search in all suspected places, and to seize all such books, pamphlets, and pictures, as he shall be informed of, in any bookseller's, printer's, binder's shops or warehouses, or in any vessel or other place whatsoever, to the end they may be disposed of according to law.

Likewise, if you should be informed of the authors, printers, publishers, or any other persons, in whose custody you shall find such books, pamphlets or pictures, you are to apprehend, and bring them before me, or any of his majesty's justices of the court of King's Bench, or some other of his majesty's justices of the peace, to be proceeded against, according to law. Hereof fail not at your perils.

“GEORGE JEFFREYS.

“Anno Dom. September 1st, 1684.”

It is necessary to remark here that the great change effected at this date, 1688, in the constitution of England, or rather the formal recognition of all its old fundamental laws and principles of government, under somewhat novel circumstances, greatly influenced the current of subsequent political sentiment and speculation. One of the most prominent events of the time, was the public compact or declaration of rights. We find constant appeals to this agreement between the nation and its rulers, by succeeding political writers and theorists of all grades of opinion.

The “Declaration of Rights,” commenced with a recapitulation of the errors and short-comings, which had rendered a revolution necessary. The late king had made a direct attack upon the legislature; had treated the right of petition as a misdemeanour; had oppressed the church, by subjecting it to an illegal tribunal; had levied taxes and maintained a standing army without the sanction of parliament; had violated the freedom of election, and perverted the course of justice. Matters of which the Commons alone had the power to take cognizance of, were made subjects of

prosecution in the King's Bench. Corrupt and partial juries had been returned. Excessive bail had been demanded from prisoners; excessive fines were levied; the estates of persons had even been granted away before the owners of them had been convicted. The Prince of Orange, whom providence had raised up as an instrument for the delivery of the nation from tyranny and superstition, had invited the Estates of the realm to meet and to take counsel together for the effective security of religion, law, and public right. The Lords and Commons having deliberated, had resolved that they would first, after the example of their ancestors, assert the ancient rights, privileges, and liberties of England. Therefore it was declared, that the dispensing power, lately assumed and exercised, had no real or legal existence; that, without a specific grant from parliament, no money could be legally demanded of the subject; that, without consent of parliament, a standing army could not be kept up in time of peace. The right of subjects to send petitions to parliament; the right of electors to choose representatives without let or hindrance; the right of the parliament to perfect freedom of debate; the right of the nation to a pure and merciful administration of justice, according to the spirit of its own mild and ancient laws, were severally solemnly affirmed. All these various matters the convention claimed in the name, and in behalf of the whole nation, as the undoubted inheritance of Englishmen.

The political writings of ANDREW FLETCHER, of Saltoun, are not of any great value and importance. He entertained a great hatred and jealousy of England, and to this feeling we owe many of his written

papers on political topics, what betray, as a whole, an almost total absence of any high or elevated view of civil liberty. He was a bold and resolute, but, on the abstract principles of national polity, an ill-informed man. He died in 1716.

JOHN LOCKE.—“Treatise on Government.” The publication of Mr. Locke’s work on government, 1689, forms an important era in the history of political science; not only in England, but in every civilised and christian state. The celebrity of his name, as a metaphysician, doubtless reflected additional value upon his speculations on the nature of government; but, independent of this circumstance, his method of reasoning is so conclusive, and his judgment so profound and correct, that his lucubrations still keep a firm hold of the public mind, and promise to do so, as long as any sound notions on the abstract principles of the social contract, shall be retained among men.

The “Treatise on Government” is divided into two leading parts; the first contains the author’s refutation of the principles of Sir Robert Filmer’s “Patriarcha;” and the second, those principles of civil polity, which the author considered as the only sound and true ones, and which are necessary to all countries which can lay claim to any degree of legislative intelligence and liberty.

In answer to Filmer, Mr. Locke denies there is any natural right derived from paternal authority to exercise civil authority over mankind. The assumption, he says, is altogether gratuitous and, at bottom, absurd.

On the nature of the social compact, the author maintains, that a state of nature is a state of perfect freedom and equality; but this state does not confer

an unlimited license to do whatever you please. This law has its bounds clearly defined, by the exercise of the same liberty you enjoy. The execution of the law of nature is placed into every man's hand ; so that he may punish whoever violates it, either against himself or others. " Every offence that can be committed in the state of nature, may, in the state of nature, be punished equally, and as far forth, as it may in a commonwealth." All men, the author affirms, must be considered in a state of nature till they voluntarily enter into some society.

If a man, by word or deed, threatens to take the life of another fellow-creature, then war ensues ; and the aggressor exposes his own life, which the other party, or any of his friends, may take away. And the same thing may be affirmed of those who attempt to obtain absolute power over another ; because, when this is attained, the life or property of the subjected party must rest in the hands of the conqueror, who can give no security, but his own will, for their safety.

Natural liberty is defined by Locke to be, a freedom from any superior or higher authority than the law of nature. Civil liberty consists in a freedom from any power but that which a legislature, established by consent, shall maintain. No individual can, by his own consent, enslave himself, or confer a power on another to take away his life. Slavery, in any sense, is a state of war between the conqueror and his captive.

The chapter, on the nature of property, is well entitled to the especial regard of the politician. " It would," as Mr. Hallam justly remarks, " be sufficient, if all Locke's other writings had perished, to leave him

a high name in philosophy*." Locke's opinion is, that *labour* constitutes property; or, confers a right to inheritances. This labour may not be of that kind which comes under the category of any of the arts of civilised life; but the mere acts of gathering the fruits of the earth, or catching wild animals, are sufficient to constitute legal and legitimate occupancy. The cultivation of the soil sustains a divided right to property in it. "As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He, by his labour, does, as it were, inclose it from the common."

Labour must always be the basis of property; and this is perfectly consonant to the nature of things, for every thing valuable must spring from labour. "Whatever bread is more worth than acorns, wine than water, cloth or silk than leaves, skins, or moss, that is wholly owing to labour and industry."

But the rights of property are not of an absolute or unconditional nature. A man cannot do with his own what he pleases. No proprietors of land can use their possessions, so as to cause the nation or individuals to perish of cold or hunger.

The legislative power, is the supreme power of the state; but Locke maintains that if the people see proper to alter it, they have a full right to do so. If they had not this right, there could not be the semblance of civil liberty. But as long as the legislative power exists, it is supreme, whether it is placed in one person's hand, or in many.

Mr. Locke ridicules the idea of a representative power being conferred upon places which have almost no

* Lit. Middle Ages.

inhabitants, and which possess no particular influence in the social scale ; such, for example, as many of the old boroughs, which were annihilated in England, by the late Reform Bill.

Locke defines prerogative to be " A power of acting according to discretion for the public good, without the prescription of the law, and sometimes even against it." The reader will find the author's observations on this subject in his eleventh chapter ; but the reasonings here are not the most happy of Locke's efforts.

" Conquest is an unholy and unjust war, and never can acquire legitimate authority. If we have not such force as to successfully combat the usurper, we must patiently wait, till a favourable opportunity occurs to throw off the yoke. Usurpation stands in precisely the same situation as conquest ; it can confer no just title to obedience or authority. The consent of the subject is indispensable to every act of power*."

With respect to the kingly office, Mr. Locke thinks, that when a prince has usurped the sovereign power, and brought misery upon his people, he should be held personally responsible for his deeds. Without a power of retribution be held in the hands of the people, there can be no motive for kings and governors to do their duty justly, and conscientiously. The mass of the citizens are always inclined to bear long with the waywardness of their kings ; but it is a wholesome political safeguard, they should remember, that there are limits to forbearance, and that the liberties of the state shall not be trampled under-foot with impunity†.

* Chap. 17. † Chaps. 18, 19, which are, on the whole, sound and judicious.

The influence of Mr. Locke's work on civilised states has been immense; no treatise, either ancient or modern, can be compared to it in this respect.

The "Political Tracts" of Lord Halifax, are exceedingly interesting, both from their style and matter. He is likewise supposed to be the author of the "Character of a Political Trimmer," commonly ascribed to Sir William Coventry. This tract describes the general character of a *political trimmer*, who is a man that avoids all extremes and winds his way among clashing interests with ease. "The art of trimming, philosophically considered, is the height of wisdom and political acumen. The temperate trims between the burning deserts and the frozen seas; the episcopalian church trims between anabaptist wildness and popish apathy; the British constitution trims between Turkish despotism and Polish anarchy; and even the wisdom of the supreme being is displayed by the strict equilibrium of all his attributes."

DAWSON's "Origo Legum," is a treatise in seven books, published in 1693, folio, containing a philosophical dissertation, in some of the preliminary chapters, on the origin of law; showing that all judicial rules and principles arise from certain elementary notions, imprinted on the minds of mankind. All law depends, according to the author, upon the *eternal law* of nature, established by God, by which all things are regulated and governed. The law of reason is a great branch of this eternal law, and is the foundation of human law, as illustrated in the government of men in a state of social communion. The author discusses the questions, what reason is; that there is such a law as the law of reason; what the law of rea-

son is ; what the subject matter of the law of reason is ; that man by reason can give laws to his own will, senses, appetite, that is, to himself ; and that by reason he can give laws to all inferior beings*.

To form a correct idea of the nature of all political relationships, three things must be observed ; man must be considered as a citizen of the world ; as a member of a body politic ; and as an immortal creature.

“*Bibliotheca Politica* ; or, an Inquiry into the Ancient Constitution of the English Government.” In thirteen Dialogues, London, 1694. The first dialogue relates to the question, whether monarchy be of divine right ? The second, whether hereditary succession to crowns, be a divine institution ; the third, whether resistance of the supreme power by a whole nation, can be justified by the law of nature, or the gospel ; the fourth, whether absolute non-resistance is enjoined by the gospel, or was the doctrine of the primitive church ; the fifth, whether the king be the supreme legislative authority, and whether the parliament be a fundamental part of the government ; or proceeds from the favour of kings ; the sixth, whether the commons of England, was one of the three estates of the kingdom, before the 49th of Henry III. ; the seventh, the same question continued ; the eighth, continuation of the same subject ; the ninth, whether the ancient laws and constitution of this kingdom, as well as by the statutes of the 13th and 14th of Charles II., all resistance of the king, or of those commissioned by him, are expressly forbidden upon any pretence whatsoever ; the tenth, whether a king of England can ever fall from, or forfeit his royal dignity, for any breach of

* Chap. 5, p. 17.

an original contract, or wilful violation of the fundamental laws of the kingdom; and whether King William the Conqueror, did not acquire, by virtue of his conquest, an absolute and unconditioned right to the crown of these realms; the eleventh, in what sense civil power is said to be derived from God, &c.; whether the appointment of William Prince of Orange, be in accordance to the constitutional maxims of the English Constitution; the twelfth and thirteenth dialogues are on matters of little public moment.

WALTER MOYLE, who sat in parliament for the borough of Saltash, in 1695, was the author of several works of a political character. He published "An Argument against a Standing Army," which obtained him some notice among the public men of the day. He shows that the very constitution of an armed force is antagonistic to every correct view of civil liberty. It is, he says, a gross mockery for a man to talk of freedom with a musket in his hand. Moyle likewise wrote "An Essay on the Lacedemonian Government;" another "On the Roman Constitution;" as well as other tracts on political economy.

DEVENANT.—"Essays," London, 1700. These Essays contain dissertations on "The Balance of Power; or, the Right of Declaring War or Peace, and entering into Alliances; and, on Universal Monarchy."

DANIEL DE FOE.—"Political Works." Daniel De Foe is a most voluminous political writer, and one of the most distinguished of his age and nation. No man ever battled more manfully and consistently for enlightened and liberal sentiments in politics than he did, and few have suffered more grievous and tantalising prosecutions for their steadfast adherence to

them. Party feelings and views ran at this time, as we have recently remarked, very high ; and being a man of ardent and impassioned feelings, he threw himself into the midst of contending factions, with a full determination to take his fair share of the good and the ills, which result from such strifes and contentions. He had been educated in the political sentiments of the English presbyterians, and adopted the general opinions of that body, without, however, any sectarian strictness or bigotry. The great principles of civil and religious freedom were the constant theme of his praise, and the burden of his labours. It appears, from his own account, that even in early life he became a regular and systematic student of politics *as a science*, and had studied, with some care and minuteness, both the theory and practice of the English constitution.

At the age of twenty-one, he formally commenced his career as a political writer; by the production of a pamphlet, entitled “*Speculum Crape-Gownorum ; or a Looking-glass for the young Academicks, new Foyl’d ; with Reflexions on some of the High-flown Sermons of the newest Fashion,*” by a guide to the Inferior Clergy, 1672. This piece of satirical writing was intended as a reply to a work published by the celebrated Roger L’Estrange, called “*A Guide to the Inferior Clergy,*” in which De Foe considered there were many very illiberal and tyrannical sentiments. The object of De Foe was, chiefly, to ridicule the political and ecclesiastical opinions and pretensions of the high church party, then very powerful and dominant. He reprobates the practice, then almost universal, of the clerical body directly interfering with politics in their pulpits ; in order “that they may see how ridicu-

lous they are, when they stand fretting, and fuming, and heating themselves, about state affairs." This lampoon became uncommonly popular in London, and even attracted considerable attention among the higher class of politicians and public characters of the day.

A short time after this, he withdrew from politics, and commenced as a commission agent in London, for the sale of hose. Here he followed his new calling with diligence for the space of ten years; but, at length, his warm and enthusiastic temperament again prevailed, and urged him to make some effort to stem the current of political heresy and arbitrary power. The doctrine of the *Divine Right of Kings*, gave him mortal umbrage. "It was, for many years," he says, "and I am witness to it, that the pulpit sounded nothing but the duty of absolute submission, obedience without reserve, subjection to princes as God's vicegerents, accountable to none, to be withstood in nothing, and by no person. I have heard it publicly preached, that if the king commanded my head, and sent his messengers to fetch it, I was bound to submit, and stand still while it was cut off." These opinions were so repugnant to his judgment, and so contrary to the whole tenor of his mode of thinking, that he was goaded on to join the standard of freedom against the power and authority of James II., and was actually with the Duke of Monmouth when he landed in Dorsetshire. The 4th of November, when the Prince of Orange set his foot on English soil, De Foe commemorated as a high festival day, during his whole life; declaring that "It was a day famous on various accounts, and every one of them dear to Britons who love their country, value the protestant

interest, or who have an aversion to tyranny and oppression."

The next political work of De Foe's, of any note, were his "Essays on Projects," containing his speculations on politics, commerce, and benevolence. Like many other political projectors, both ancient and modern, he conceived that his plans would banish misery and wickedness from the earth. His hints "Might," he says, "be improved into methods that should prevent the general misery and poverty of mankind, and at once secure us against beggars, parish-poor, alms-houses, and other hospitals; by which not a creature so miserable or so poor, but should claim subsistence as their due, and not ask it of charity."

When the new monarch ascended the British throne, we are informed that he was much shocked at the moral dissoluteness of the nation, and that he issued a proclamation in which he says, "I esteem one of the greatest advantages of the peace (just then concluded), that I shall now have leisure to rectify such corruptions and abuses as have crept into any part of the administration during the war, and effectually to discourage profaneness and immorality." The then House of Commons zealously seconded this proposal, and said, "They most humbly desired that his majesty would issue out his royal proclamation, commanding all judges, justices of the peace, and other magistrates, to put in speedy execution, the good laws that were now in force against profaneness and immorality, giving encouragement to all such as did their duty therein." The proclamation issued, and the archbishop of Canterbury drew up some "excellent rules for the government of the clergy." While all this was going on,

De Foe seems not to have entered into the matter with any hearty relish ; and the cause of this apathy was, that he thought such a royal proclamation would be a partial and one-sided manifesto, directed more against what he called the "common people," than against the upper and more influential ranks of society. Under this impression, he published "The Poor Man's Plea," in which he expressed his suspicions, in pungent and facetious language, that the work of reformation should commence at the highest grades of society, where he hinted, reform was most needed, and would prove most efficacious on the minds of the mass of the nation. He says, "In searching for the proper cure of an epidemic disease, physicians tell us it is first necessary to know the cause. Immorality is, without doubt, the present reigning distemper of the nation ; and the king and parliament who are indeed the proper physicians, seem nobly inclined to undertake the cure. But as a person under the violence of a disease sends in vain for a physician, unless he resolves to make use of his prescription, so in vain does the king attempt to reform a nation, unless they are willing to reform themselves." After noticing, with due commendation, the efforts of the public authorities, he says, "These are great things, and if well improved, would give an undoubted overthrow to the tyranny of vice. But we of the *plebii* find ourselves justly aggrieved in all this work of reformation, and the partiality of the reforming rigour makes the real work impossible. Our laws against all manner of vicious practices are very severe ; but these are all cobweb laws, in which the small flies are caught, and the great ones break through. My lord mayor has

whipped about the poor beggars, and a few scandalous females have been sent to the House of Correction; some alehouse keepers and vintners have been fined for drawing drink on the Sabbath-day; but all this falls upon us of the mob, as if all the vice lay among us. We appeal to yourselves, whether laws or proclamations are capable of having any effect while the very benches of our justices are infected? 'Tis hard, gentlemen, to be punished for a crime by a man as guilty as ourselves: this is really punishing men for being poor, which is no crime at all; as a thief may be said to be hanged not for the theft, but for being taken." Again he remarks, "The quality of the person has been a license to the open exercise of the worst crimes; as if there were any baronets, knights, or esquires in the next world, who, because of those little steps custom had raised them on higher than their neighbours, they should be exempted from the divine judicature; or, as Captain Vratz, who was hanged for murdering Esquire Thynne, said, 'God would show them some respect, as they were gentlemen.'"

The author does not spare that part of the royal proclamation which had a reference to the clergy; who, he affirms, as a body, were very much in need of reform in both their morals and manners. It is evident, however, that De Foe felt that he had here got upon ticklish ground. He allows that he raised up against him a whole host of enemies, who accused him of being an enemy to all religion and good government. This is just what might naturally be expected. Entire bodies of men feel invective keenly; both because it is always partially levelled against them, and likewise that the innocent suffer for the guilty.

De Foe had a warm constitutional feeling towards the House of Orange, and when a certain cry was set up by a small and noisy faction of political writers, that the monarch was a "foreigner," our author took up the question, and wrote, in retaliation, his famous "True-born Englishman," a publication, in verse, that attracted no small share of public attention at the time of its appearance, and can be read even now with pleasure and amusement. He banters his countrymen for talking so disloyally of foreigners, seeing that their country, as a nation, is but of a questionable and dubious origin. He thinks the British nobility have not much to boast of in the way of ancestry :

"These are the heroes who debase the Dutch,
And rail at new-come foreigners too much ;
Forgetting that themselves are derived
From the most scoundrel race that ever lived—
A horrid crowd of rambling thieves and drones,
Who ransacked kingdoms and depopled towns.
The Pict and painted Briton, treacherous Scot,
By hunger, theft, and rapine, hither brought ;
Norwegian pirates, buccaneering Danes,
Whose red-haired offspring everywhere remains ;
Who, joined with Norman-French, compound the breed,
From whence your True-born Englishmen proceed ;
And lest by length of time it be pretended
The climate may the modern race have mended,
Wise Providence, to keep us where we are,
Mixes us daily with exceeding care."

He considers that true nobility lies in virtue and honour.

" 'Tis well that virtue gives nobility,
Else God knows where we had our gentry ;

Since scarce one family is left alive
 Which does not from some foreigner derive.
 Of sixty thousand English gentlemen
 Whose names and arms in registers remain,
 We challenge all our heralds to declare
 Ten families which English-Saxon are."

On the origin of the English nation, we have the following lines :—

" Fierce as the Briton, as the Roman brave,
 And less inclined to conquer than to save ;
 Eager to fight, and lavish of their blood,
 And equally of fear and forecast void.
 The Pict has made 'em sour, the Dane morose,
 False from the Scot, and from the Norman worse.
 What honesty they have the Saxons gave them,
 And that, now they grow old, begins to leave them.
 The climate makes them terrible and bold ;
 And English beef their courage does uphold ;
 No danger can their daring spirit pall,
 Always provided with their bellies full."

The author speaks highly of King William in this work, and considers that the nation owes him a great debt of gratitude, for the wisdom and humanity of his government. The poem then concludes with the following lines on the nobility of personal character :

" Could but our ancestors retrieve their fate,
 And see their offspring thus degenerate ;
 How we contend for birth and names unknown,
 And build on their past actions, not our own ;
 They'd cancel records, and their tombs deface,
 And then disown the vile degenerate race ;
 For fame of families is all a cheat,
 'TIS PERSONAL VIRTUE ONLY MAKES US GREAT !"

The high church party being now very rampant, and carrying matters with a high hand, De Foe's wrath

was excited to its greatest pitch, and he wrote his work, "The Shortest Way with the Dissenters," 1702, which extended his reputation, as a political satirist, far and wide, but which cost him, nevertheless, much suffering and distress. The most curious and extraordinary circumstance connected with this work was, that the nation took up as a piece of serious argument, what was only meant as irony and ridicule. De Foe conceived that the most effectual mode of bringing the arguments of the intolerant church party into public odium and disrespect, was to use their own arguments, and push them to their ultimate logical conclusions. This he carried out in the language and tone of banter, which might have been easily seen through. He recommends the infliction of the severest pains and penalties on the restless and turbulent spirits of dissent, whose principles, he affirms, are inimical to the peace and well-being of the nation. He says, that "We can never enjoy a settled, uninterrupted union and tranquillity in this nation till the spirit of whiggism, faction, and schism is melted down, like the old money." Dissenters of every grade and cast must be all exterminated. "I do not prescribe fire and fagot," says De Foe, "but as Scipio said of Carthage, *Delanda est Carthago*—they are to be rooted out of this nation, if ever we will live in peace, serve God, or enjoy our own." Again, he continues—"Tis vain to trifle in this matter. The light, foolish handling of them by fines is their glory and advantage. If the gallows instead of the compter, and the galleys instead of the fines, were the reward of going to a conventicle, there would not be so many sufferers. The spirit of martyrdom is over. They that will go to church to be chosen sheriffs and mayors would go to forty churches rather

than be hanged. If one severe law was made, and punctually executed, that whoever was found at a conventicle should be banished the nation, and the preacher hanged, we should soon see an end of the tale—they would all come to church, and one age would make us all one again. To talk of five shillings a month for not coming to the sacrament, and of one shilling a week for not coming to church, is such a way of converting people as never was known! This is selling them a liberty to transgress for so much money. If it be not a crime, why don't we give them full license? And if it be, no price ought to compound for the committing it, for that is selling a liberty to people to sin against God and the government. We hang men for trifles, and banish them for things not worth naming; but an offence against God and the church—against the welfare of the world and the dignity of religion—shall be bought off for five shillings! This is such a shame to a Christian government, that 'tis with regret I transmit it to posterity."

The high churchman, on the one hand, was quite fascinated with his ready mode of overcoming his opponents; and, on the other, the dissenters of every denomination were in a state of dreadful excitement, at the promulgation of such atrocious opinions and sentiments. When the irony and the joke of the work began to be perceived, the rage of both parties fell with redoubled severity on poor De Foe's head. He was denounced as infamous, and as richly deserving the severest persecution. The authorities began to move in the matter, and he was "charged with writing a scandalous and seditious pamphlet." He withdrew into a place of concealment, but was followed by the

"London Gazette," which offered a reward for his apprehension. It describes his person thus:—"He is a middle-sized, spare man, about forty years' old; of a brown complexion, and dark-brown coloured hair, but wears a wig; a hooked nose, a sharp chin, gray eyes, and a large mole near his mouth; was born in London, and for many years was a hose-factor in Freeman's Yard in Cornhill, and is now owner of the brick and pantile works near Tilbury Fort in Essex. Whoever shall discover the said Daniel De Foe to one of her majesty's justices of the peace, so he may be apprehended, shall have a reward of £50, which her majesty has ordered immediately to be paid upon such discovery." De Foe, seeing his escape impossible, surrendered, stood his trial, and was sentenced to pay a fine of 200 marks to the queen, stand three times in the pillory, find sureties for his good behaviour for seven years, and be imprisoned during the pleasure of her majesty. He suffered the ignominy of the pillory with determined firmness and courage, and was cheered by the multitude assembled around him. De Foe considered this public exhibition as a great triumph. He wrote a "Hymn to the Pillory," in which he speaks of the instrument in the following strain:—

"Hail hieroglyphic state machine,
Contrived to punish fancy in;
Men that are men, in thee can feel no pain,
And all thy insignificants disdain.
Contempt, that false new word for shame,
Is, without crime, an empty name;
A shadow to amuse mankind,
But never frights the wise or well-fixed mind.
Virtue despises human scorn,
And scandals innocence adorn."

And well might he thus hurl his defiance at the parties who had so basely treated him:—

“Tell them the men that placed him here
Are scandals to the times,
Are at a loss to find his guilt,
And can't commit his crimes.”

Within the grim walls of Newgate, he wrote his satirical poem, the “Reformation of Manners,” in which there are many lofty and noble sentiments; and he seems to have anticipated in this effusion that, at no distant day, the slave would be liberated from his owner. On this system he says,

“The harmless natives basely they trepan,
And barter baubles for the souls of men:
The wretches they to christian climes bring o'er
To serve worse heathens than they served before.”

The author wrote several political pamphlets after this severe and unmerited punishment. The reader will find his political opinions very fully stated; on most questions of daily interest, in his periodical work called the “Review,” which he carried on for the space of nine years. This was an influential political instrument. It was exclusively devoted to politics and trade. It took up every important topic of the hour; and the writing was vigorous, witty, and level to the understandings of the mass of the community. It brought him many enemies; the high church party often going the length of threatening to murder him. He used to reply to these threats with the most provoking coolness, by telling his enemies that he would stay at home at night, because none of them would dare to attack him in the day-time; and, moreover, that he would wear a piece of armour on

his back, as he was certain they would never venture to meet him face to face.

The author's work, "*Vox Populi, Vox Dei*," is the most elaborate of his writings on the abstract principles of government. It goes to prove that all kings, governors, and forms of government, proceed from the people, which is the nature of the English constitution; that the resistance of authority, when tyrannically exercised, is conformable to nature and reason; that divine revelation and the authority of the church confirm this right; and that obedience is a treasonable doctrine, contradictory to the attributes of God, and encouraging to rebellion, usurpation, and tyranny.

De Foe may be justly considered as a bold, an able, and incorruptible patriot. It is true that, in 1705, we find him applying, by letter, to Lord Halifax, to be engaged as a political writer; and that his lordship sent him a handsome acknowledgment for his services*. But we detect nothing crouching, base, or unprincipled in this application. De Foe always stood manfully by the constitution, and the great principles of the Reformation of 1688. The freedom of Englishmen, and the real prosperity and power of England, were the grand objects he ever had in view.

The seeds of political economy were sown in the period of history we are now considering; but they had not, as yet, produced much fruit. We shall barely notice the subject by way of form, leaving its further and fuller consideration to a more appropriate period of time.

Hobbes has been claimed by modern economists as one of the very first English writers who had arrived

* Letters by the Camden Society, 1843.

at correct conclusions as to the real sources of national wealth. In the "Leviathan," 1651, he says, "The *nutrition* of a commonwealth consisteth in the *plenty* and *distribution* of *materials* conducing to life. As to the plenty of matter, it is a thing limited by nature to those commodities, which, from two breasts of our common mother the *land* and *sea*, God usually either freely giveth, or for labour selleth to mankind. For the matter of this nutriment consisteth in animals, vegetables, minerals; God hath freely laid them before us, in or near to the face of the earth, so as there needeth no more but the labour and industry of receiving them, inasmuch that *plenty dependeth* (next to God's favour) *on the labour and industry of man.*"

In addition to these remarks by Hobbes, we have several pages of Locke's "Essay on Government," devoted to what, in his opinion, constituted the real wealth of a country. He maintains that "It is labour which puts the greatest part of the value upon land, *without which it would scarcely be worth anything.*"

The other publications which appeared in England, previous to the year 1700, on Economical Science, are chiefly of that class which relate to trade and commerce. The names of these are the following:—"The Merchants' Mappe of Commerce," London, 1638. "The Treasure of Trafficke; or, a Discourse of Forraigne Trade," 1641. "England's Treasure by Forraigne Trade," 1644. "England's Interest and Improvement," 1663. There are four works by Mr. Roger Coke, namely, "A Treatise wherein is Demonstrated that the Church and State of England are in Equal Danger with the Trade of it," 1671. 2nd,— "Reasons of the Increase of the Dutch Trade," 1671.

3rd,—“England’s Improvement,” 1675. 4th,—“How the Navigation of England may be Increased,” 1675. “England’s Greatest Happiness,” 1677. “Britannia Languens; or, a Discourse on Trade,” 1680. “A New Discourse on Trade,” 1668. “Discourses upon Trade,” 1691. “An Essay on the Probable Methods of Making the People Gainers in the Balance of Trade*.”

SECTION IV.

On Public Records—Satirical Productions and Ballads of a Political character—The Drama—Newspapers, &c., &c.

BESIDES the regular treatises, written expressly on political subjects, that we have ventured to scan over in this chapter, and which, form the staple commodity of British speculation on the abstract nature and functions of government, there are other classes of works, which have aided, in some measure, the cause of truth and knowledge on the science of politics. On some of these publications, we shall make a remark or two.

In the first place, we may mention the Public Records of the kingdom. An immense body of interesting and useful information is to be derived from this source. They abound with matters of fact, which enable a general reasoner to verify and establish his abstract propositions and principles. The records of the proceedings of parliament, and the state trials up to the revolution of 1688, abound in valuable mate-

* See note A, at the end of the volume.

rials to the politician. *State Proclamations*, from 1558 to 1624, may be occasionally met with in private hands, and even in some few public libraries. There is a valuable collection of this kind, which forms a continuation to the above, embracing the royal proclamations from 1625 to 1717, now in the possession of the Cheetham Library, Manchester. The *Harleian Miscellany*, in ten, and Lord Somer's Tracts, in twelve volumes, quarto, contain an immense body of curious political writing. In addition to these, there are the *King's Tracts*, in the British Museum, filling more than a score of volumes, and abounding with the rarest and most notable tracts published during the civil wars.

The "Harleian Miscellany," in ten volumes, contains an immense storehouse of curious and interesting political writing, on almost all theoretical and practical matters of general polity. There are likewise to be found here, several satirical poems on some of the more striking political events of the times; such, for example, as "Roy's Satire against Cardinal Wolsey," 1526, containing full eighty quarto pages. In this interesting and voluminous collection most all the political papers or essays are, however, very brief, many of them only amounting to a few pages, or even a single leaf or two. On this account the Harleian papers, taken as a whole, will not afford much aid to philosophical politicians who aim at obtaining an enlarged and profound view of all the abstract principles of the science of their favourite study. The assistance they will chiefly obtain will be that of recognising the state of public excitement at any given period, and the hold that particular political questions and measures seemed to have on the popular understanding.

The collections of political tracts, squibs, pamphlets, &c., at the Royal Institution, Albemarle-street, London, are valuable. Collection A, 23 vols. fol.; Collection B, 29 vols. fol.; Miscellaneous D, 10 vols.; Political E, 65 vols.; Dutens's collection F, 87 vols.; Historical G, 5 vols.; Miscellaneous H, 8 cases; Miscellaneous I, 2 cases; Miscellaneous K, 63 vols.; Miscellaneous L, 7 vols.; state tracts M, 3 vols.; and Rushworth's collection, 8 fol. vols.

In the Free Library, Manchester, there is a collection of political tracts, embracing matters both of theory and speculation, on trade, commerce, finance, revenue, &c., of nearly seven thousand volumes. This is, we believe, the largest and best assortment of the kind in Great Britain. Writers who wish to enter fully into any of the leading divisions of political science, will find in this collection, a great and diversified mass of interesting and useful information.

In the writings of the historians, from the Reformation in England, to the accession of the Prince of Orange, many important political opinions and sentiments will be found. The same remark is applicable to the general mass of theological works; particularly sermons, which underwent a marked change, with the fluctuations of public opinion, on matters of state necessity or expediency.

The popular songs of a nation constitute one of the most palpable manifestations of its political feelings and sympathies; and this is more strikingly the case, if other legitimate channels for the expression of public sentiment be choked or dried up by the repressive hand of power. The song writer is an ubiquitous and privileged character. He pursues his avocation in the

family circle, in the workshop, in the tavern, at the gay festival, in the squalid alley, in the barrack-room of the soldier, and in the mess-room of the sailor. His strains are hearty, bold, and genial; the embodiment of thought, emotion, and melody. The popular song is easy, simple, and born of the incidents of the day. It is the intellectual personification of the feelings and opinions of a people. It is the delight of the multitude—the joy and solace of the many. It laughs in derision at despotic power, lightens the social burdens of life, and inspires the patriot with hope. Of the popular satirical song, much has been written, but nothing definitely settled. There is a schism among critics on its nature and character. It is a compound of delicate essences, and incommunicable graces, which bids defiance to definition. But we know that popular songs must be the energetic and faithful transcripts of general experience and feelings. Their necessary characteristics are fancy, passion, dramatic effect, rapidity and pathos. They are not transferable; the popular satire and humour of one country, cannot be adequately relished by another; nor, in the same country, are such productions so influential on public opinion in subsequent periods of its history, as when they first appeared. Time blunts the instrument, and deadens the national perceptions of the witty and the ridiculous.

The political influence of the poetic muse gradually increased, as politics became more generally studied and literature cultivated. The kingly office had its poet-laureates, whose chief office it was to sing their praise, and herald their virtuous deeds and sage councils to the ears of their subjects. The fulsome, and often very childish strains in which this was done,

frequently called from untitled pens some severe rebuke and satirical effusion, which told upon the public mind of the day, to the no small annoyance of both the royal personages and their ministers and courtiers. In the writings of the several poet-laureates from Benard, in the reign of Henry VIII. to Nahum Tate, who died in 1715, there is not much of a political character to excite the attention of the reader.

When Henry V. embarked for France, in 1415, he was attended by fifteen minstrels, to each of whom he gave the sum of twelvecence a day. We are told, however, that the king's modesty was so great that he would not allow the court poets to sing of his daring exploits at Agincourt, because they were all to be referred to the hand of providence*.

In the times of Henry VIII., the reformers and their opponents, or, as they were called, the old and the new profession, had each their respective set of ballad makers. The well-known ballad of "Luther, the pope, a cardinal, and a husbandman," and "Little Johnny Nobody," are descriptive of the contentions about religious doctrines, and the nature and limits of ecclesiastical power. There were, indeed, a great number of common ballads circulated in the lower ranks of life, which sung the praises of the German reformers, and which touched upon the more prominent events of the continental movement, with great humour and drollery.

In 1588 we have the national hymn on the threatened Spanish invasion.

" From our base invaders,
From wicked men's device,

* Hollinshed.

O God! arise and aid us
And crush our enemies.
Sink deep their potent navies,
Their strengthen'd spirits break,
O God! arise and help us,
For Jesus Christ, his sake.

"Though cruel Spain and Rome
With heathen legions arm,
O God! arise and help us,
We will perish for our home;
We will not change our Credo
For Pope, nor Book, nor Bell;
And if the devil comes himself,
We will drive him home to hell."

Of our national anthem, "God save the King," much has been written. The tune is attributed to a Dr. John Bull, and the words to Ben Jonson; it has been claimed by the French; and some affirm it to be a Jacobite song, and first applied to King James I.

There are many separate collections of political and satirical songs and poems, published before the Revolution of 1688. Several productions of this kind will be found in the general collections of state papers already mentioned. There is a collection of poetical effusions, called "The Rump," containing articles printed between 1639 and 1661. In the preface, it is said, "You have many songs here which were never before in print; we cannot tell you whose they are; but we have not subjoined any author's name; heretofore it was unsafe. 'Tis hoped they did your majesty some service; 'twas for that end they were published."

The two large collections of what are known by the name of "The Rump Songs," are curious chronicles of

They say 'tis good luck when a body rises
With the rump upwards ; but he that advises
To live in that posture, is none of the wisest."

When Cromwell hunted the "Rump" out of
House of Commons by military force, a song says

" Our politic doctors do us teach,
That a blood-sucking red coat is good as a leech,
To relieve the head, if applied to the breech."

As a specimen of the political rhyming of the time
we shall give a few lines from "The True Pres-
byterian," by Sir John Denham, knight, 1680.

" A Presbyter is such a monstrous thing,
That loves Democracy, and hates a King ;
For royal issue never making prayers,
Since Kingdoms (as he thinks) should have no heirs,
But stand Elective ; that the holy crew
May, when their zeal transports them, choose a new.
And is so strangely grounded in belief,
That anti-christ his coming will be brief,
As he dares swear, if that he swear at all,
The Quakers are ordained to make him fall.
From whence he grows impatient, and he says,
The wisest counsels are but fond delays.

He'll rail in public if the king deny,
 To let the quarrel of the Spaniard die.
 He storms to hear in France the wars should cease,
 And that by treaty there should be a peace."

There were several satirical pieces published at the end of the seventeenth century, in imitation of the celebrated "Hudibras" of Butler. We have the "Hogan-Moganides; or, the Dutch Hudibras," 1674. "The Irish Hudibras," 1689. "The Whig's Supplication," 1695. In Imitation of Hudibras; or, the Dissenting Hypocrite," 1700; and "Pendragon, or the Carpet Knight," 1700. The "Imitation" is an abusive article on De Foe; and the "Pendragon" is a smart attack on Sir Roger L'Es-trange; he is described as

"A pliant tool, oblig'd with knighthood
 And large rewards, he was excited
 To serve the times through all excesses,
 And on foul deeds to put fair faces,
 Until he grew to be the great
 Prevaricator of the state;
 Thus all true Englishmen be found,
 Pendragon with his pen dragoon'd."

EDWARD WARD, or as he was commonly called Ned Ward, was one of the most notorious retailers of political lampoons and scurrility of the times. His "British Hudibras," and his "Hudibras Redivivus," are his chief works in this line. The first publication is devoted to the burning of Burgess's chapel, by a mob, and the display of party feeling it gave rise to. The second work is a satire on the low church party. The following is a description of a meeting of puritans.

“ A throng of searchers after truth
Were crowding at the alley's mouth,
Wherein the conventicle stood,
Like Smithfield droll-booth, built with wood ;
All shoving to obtain admittance,
As if they hop'd for full acquittance
Of all the evils they had done,
From that time back to forty-one :
Some wrapt in cloaks that had been wore
By saints defunct, in robes of yore :
Others in coats, which their fashion
Bore date from the restoration,
Shelter'd beneath us a hats,
And canoniz'd with gravats,
That by their queue and their quaints,
The world might reckon them to be saints ;
Their sweaty rat-tail hair hung down
To th' shoulders from each addled crown,
Kept thin, to cool their frantick brains,
And comb'd as straight as horses' manes ;
Their bodies almost skeletons,
Reduc'd by zeal to skin and bones,
So lean and envious in the face,
As if they'd neither grease nor grace.
The good old dames, among the rest,
Were all most primitively drest
In stiffen-body'd russet gowns,
And on their heads old steeple crowns ;
With pristine pinnars next their faces,
Edg'd round with ancient scollop laces,
Such as my antiquary says,
Were worn in old Queen Bess's days,
In ruffs, and fifty other ways :
Their wrinkl'd necks were cover'd o'er,
With whisks of lawn by grannums wore,
In base contempt of bishops' sleeves,
As Simon Orthodox believes.
At length up stepp'd the formal prater,
Who was of country May-pole stature,
Slender, stiff-neck'd, extremely tall,
Long-faced and very thin withal.

No sooner had old Heart-of-Oak,
 Upon a peg hung hat and cloak,
 But round their sockets did he rowl
 The little windows of his soul ;
 But soon we found his eye-balls hid,
 Turn'd up beneath each upper lid,
 And then he work'd about the whites,
 As mad-men do in raving fits ;
 Reel'd in his tub from side to side,
 And wrung his hands as if he cry'd.
 His beard from shoul' to shoulder rov'd,
 And like the clock-work drummers mov'd ;
 Thus yawn'd, and gap'd, and gently styrr'd
 His head, but yet said ne'er a word ;
 Made many strange Geneva faces,
 And out-did twenty apes' grimaces.
 At last his tongue its silence broke,
 And thus the rev'rend spin-text spoke."

OLDHAM was a severe satirist in his day, against the Roman catholics. In his "Satires on the Jesuits," he alludes in the following lines to the "Golden Legends" of Voraginus.

"Tell, how *blessed Virgin* to come down was seen,
 Like play-house punk descending in machine,
 How she writ *Billet-doux*, and *love-discourse*,
 Made *assignations*, *visits* and *amours* ;
 How Hosts distrest, her *smock* for *banner* wore,
 Which vanquished foes !—
 ———how *fish* in conventicles met,
 And *mackerel* were with *bait of doctrine* caught :
 How cattle have judicious hearers been !—
 How *consecrated hives* with bells were hung.
 And *bees* kept mass, and holy *anthems sung* !
 How *pigs* to th' *rosary* kneel'd, and *sheep* were taught
 To bleat *Te Deum* and *Magnificat* ;

How *fly flap*, of church-censure houses rid
 Of insects, which at *curse of Fryar* died.
 How *ferrying cowls* religious pilgrims bore
 O'er waves, without the help of sail or oar,
 How *zealous crab*, the *sacred image* bore,
 And swam a Catholic to the distant shore.
 With shams like these the giddy rout mislead,
 Their folly, and their superstition feed."

THOMAS CREED published his "Micro-Cynion; or, Sixe Snarling Satyres," in 1599. The publication called "Mercurius Menippens, the Loyal Satyrst; or, Hudibras in Prose," was written during the civil wars under Charles I.; but not printed till 1682. This will be found in the *Somer's Tracts*. "The New Discovery of an Old Intreague," 1691. "The Moral-ist; or, a Satyr upon the Sects," 1691. "A New Year's Gift for the late Rapparees, a Satyr," 1693. "Massinello; or a Satyr against the Association and the Guildhall Riot," 1694. "Scandalum Magnatum; or, Potapski's Case; a Satire against Polish Oppression," 1694. "Reformation of Manners; a Satyr, 1700. "Collection of Loyal Songs written against the Rump Parliament." "Collection of 180 Loyal Songs," 1685. Evan's "Old Ballads," 4 vols., 1810. "Collection of Poems relating to State Affairs, from Oliver Cromwell to the present day," London, 1705. "Poems on Affairs of State," by various hands; namely,—the Duke of Buckingham, Earl of Rochester, &c., 2 vols., 1697, 1703. There are about fifty distinct political satyres and squibs, down to the year 1700, in the Bodleian Library, Oxford; the names of which will be found in the catalogue, under the head of *Poemata*.

In D'URFEY's "Pills to Purge Melancholy," we have the political trimmer described in these lines:—

"Pray lend me your ear if you've any to spare,
You that love commonwealth, as you hate common prayer;
That can in a breath pray, dissemble, and swear,
Which nobody can deny.

"Of our gracious King William I am a great lover,
Yet side with a party that prays for another;
I'll drink the King's health, take it one way or other,
Which nobody can deny.

"The times are so tickled, I vow and profess
I know not which party or cause to embrace;
I want to join those that are least in distress,
Which nobody can deny.

"Each party you see is thus full of hope,
There are some for the Devil and some for the Pope,
And I am for anything else but a *rope*,
Which nobody can deny."

JOHN CLEVELAND was a political and poetical satirist of great note in his day. His works were published in one volume, in 1699, although he died in 1658. It contains poems, orations, and epistles; likewise the "Rustic Rampant; or, Rural Anarchy."

In the several publications of the "Percy Society," there will be found a good number of satirical productions of a political cast, both in prose and verse.

The early poetical effusions of Scotland, as we have already mentioned in the first section of this chapter, had, unquestionably, a great influence over the minds of the people of that country, because they were generally founded on the prevailing movements of political

factions, and the civil animosities of the times. Many of the national songs, which had an almost universal circulation, were, however, of an unusually licentious and indelicate character.

The Presbyterian church, as well as the catholic hierarchy, was sometimes severely handled by some of the popular song writers of the day. John Knox relates, that a person of the name of Wilson, published a ballad against some of the preachers of the Scottish kirk, and had a very narrow escape from hanging!

Among the lyrical poetry of the north, of a political stamp, we must not pass over the *Jacobite relics* of Scotland. They form a rude and satirical commentary on the history and fortunes of the Stuart family in latter times, and are intimately connected with our popular notions on the rights and privileges of the British constitution. These well-known songs are coarse, but full of humour; and they spring from the genuine sentiments of those who sincerely lamented the political changes which gave them birth. The effects of these songs on the minds of a considerable bulk of the people, continued long after the particular incidents and events which gave rise to them; and even at the present hour are not altogether devoid of interest to many influential families in Scotland.

Not a tenth part, it is supposed, of these Jacobite songs have, as yet, been published. The only collection here referred to is that by James Hogg, the Ettrick Shepherd, who published two volumes—a first and second series of them. There are likewise a goodly number of whig songs in answer to them; but they form no proportion to those of their rivals. The great mass of these songs relate to events of the first half of

the eighteenth century ; but we shall give a specimen or two of songs anterior to that date.

SONG, written about the middle of the Commonwealth.

“ AWA, WHIGS, AWA,”

“ Our thistles flourish fresh and fair,
And bonie bloom'd our roses,
But whigs came like a frost in June,
And wither'd all our poses.
Awa, whigs, awa,
Awa, whigs, awa.
Your but a pack o'traitor louns,
Ye'll do nae gude at a'.

“ Our ancient crown's fa'n in the dust,
Deil blin' them wi' the stoure o't,
And write his name in his black beuk,
Wha gae the whigs the power o'nt.
Awa, whigs, &c.

“ Our sad decay in church and state,
Surpassing my describing ;
The whigs came o'er us for a curse,
And we hae done wi' thriving.
Awa, whigs, &c.

“ Grim vengeance lang has ta'en a nap,
But we may see him wauken ;
Gude help the day, when royal heads
Are hunted like a maukin.
Awa, whigs,” &c.

SONG, 1689,

*On the battle between the Highland Army, and the Dutch-English,
commanded by General Mackay, at the pass of Killikranks.*

“ Clavers and his high-land men,
Came down up o' the raw, man ;
Who, being stout, gave mony a clout,
The lads began to claw then.

With sword and terge into their hand,
 Wi' which they were nae slaw, man,
 Wi' mony a fearful heavy sigh,
 We lads began to claw then.

" O'er bush, o'er bank, o'er ditch, o'er stauk,
 She flung amang them a', man ;
 The butter-box got mony knocks,
 Their riggings paid for a' then.
 They got their paiks, wi' sudden straiques,
 Which to their saw, man ;
 Wi' clinkum clankum their crowns,
 The lads began to .

" Hur skipt about, lea about,
 And flang ama man ;
 The English blades en heads,
 Their crowns were clea in twa then.
 The durk and doar made t ir last hour,
 And prov'd their final fa, man ;
 They thought the devil had been there,
 That play'd them sick a paw then.

" The solemn league and covenant,
 Came whipping up the hills, man ;
 Thought highland trews durst not refuse,
 For to subscribe their bills then :
 In Willie's* name they thought nae ane
 Durst stop their course at a', man ;
 But hur nane-sell, wi' mony a knock,
 Cry'd Furich-whiggs, awa', man.

" Sir Evan Du, and his men true,
 Came linking up the brink, man ;
 The Hogan Dutch they feared such,
 They bred a horrid stink, then,
 The true Maclean, and his fierce men,
 Came in amang them a', man ;
 Nane durst withstand his heavy hand,
 All fled and ran awa, man.

* Prince of Orange.

“ O fy for shame, ye're three for ane,
 Hur nane-sell's won the day, man ;
 King Shames' red-coats should be hung up,
 Because they ran away, then :
 Had bent their brows, like highland trows,
 And made as lang a stay, man ;
 They'd sav'd their king, that sacred thing,
 And Willie'd run awa' then.”

SONG—“ A HEALTH TO THE CONSTITUTION.”

“ Fill up the mighty sparkling bowl,
 Let's join a health without control,
 To the pious mem'ry of the soul,
 That formed the revolution.
 To all loyal lads, here's three in hand,
 'Tis the king, and the church, and the laws of the land,
 May the one by the other firmly stand,
 And guard our constitution.

“ Let's all join hands and merry be,
 Pledge you the right, let the left pledge me,
 And in a health let's all agree,
 To our king and constitution.
 Through north and south to true whigs all,
 To Cumberland who gives the call,
 By crushing our foes who loud did bawl,
 Against the revolution.

“ In flowing bowls let's friendly heal
 The jars of state and commonweal,
 The health we drink let not control,
 To our great legislators.
 May peace and plenty bless our seed,
 Our fleet and armies still succeed,
 Kings, lords, and commons all agreed
 In spite of all conspirators.”

The Irish patriotic songs took their rise soon after

Henry the Eighth's time. Spencer, who lived long in Ireland during the reign of Elizabeth, tells us, that "There is among the Irish a certain kind of people called bards, which are to them instead of poets, whose profession is to set forth the praises or dispraises of men in their poems or rhymes; the which are had in such high regard and estimation amongst them, that none dare displease them, for fear to run into reproach through their offence, and to be made infamous in the mouths of all men. * * * Whomsoever they find to be most licentious of life, most bold and lawless in his doings, most dangerous and desperate in all parts of disobedience and rebellious disposition, him they set up and glorify in their rhymes. * * * If he should be a most notorious thief and outlaw, which had lived all his lifetime on spoils and robberies, one of their bards will say, that he was none of the idle milk-sops that was brought up by the fire-side, but that most of his days he spent in arms and valiant enterprises; that he did never eat his meat before he had won it with his sword; that he did light his candle at the flames of their houses to lead him in the darkness; that the day was his night, and the night his day; and, finally, that he died not bewailed of many, but made many wail when he died, that dearly bought his death."

The poet of the O'Neils of Clanna-boy, sung of the woes and political oppressions of Ireland. "Our miseries were predicted a long time in the change these strangers wrought in the face of the country. They have hemmed in our sporting lawns, the former theatre of our glory and virtue. They have wounded the earth, and they have disfigured with towers and ramparts those fair fields which nature bestowed for the

support of the animal creation. The slaves of Ireland no longer recognise their common mother, she equally disowns us for her children; we both have lost our forms. Hapless land! the plunderer hath refitted you for his habitation, and we are now moulded for his purpose."

The historical songs of Ireland, which appeared in the struggle between James II. and William III. help to illustrate the state of public feeling in that country, on the political events of the day. These have been recently published by Mr. Croker. Hardiman's "Irish Minstrelsy," 1831, and Miss Brooke's "Reliques of Irish Poetry," 1789, are worth consulting.

The Orange songs are well-known for the influence they have long exercised over the minds of the Irish. The most popular is "The Battle of the Boyne," which, though common, we shall here transcribe.

- " July the first, in Old Bridge town,"
 There was a grievous battle ;
 Where many a man lay on the ground,
 By cannons that did rattle ;
 King James he pitched his tents between,
 Those lines for to retire,
 But William threw his bomb-shells in,
 And set them all on fire,
- " Thereat, enraged he vow'd revenge,
 Against King William's forces ;
 And oft he swore vehemently,
 That he would stop their courses.
 A bullet from the Irish came,
 Which grazed King William's arm ;
 They thought his majesty was slain,
 Yet they did him little harm.
- " Duke Schomberg then, with friendly care,
 His king would often caution ;

POLITICAL LITERATURE OF GREAT BRITAIN.

To shun the spot where bullets hot,
Retained their rapid motion.
But William said, he don't deserve,
The name of faith's defender ;
That would not venture life and limb,
To make a foe surrender.

" The horse they were to march first o'er
And the foot to follow after ;
But the good Duke Schomberg was no more,
By venturing o'er the r.
But William said, be no. . . nayed,
For the loss of one com . . . der ;
For God will be our king . . . day,
And I'll fight general under.

" The cunning Frenchmen, near Duleek,
Had taken up their quarters ;
And fenced themselves on every side,
Waiting for new orders.
But in the dead time of the night,
They set their fields on fire ;
And long before the morning light,
To Dublin did retire.

" Then said King William to his men,
After the French departed ;
I'm glad, said he, that none of you,
Seem to be faint hearted ;
So sheath your swords and rest awhile,
In time we'll follow after ;
Those words he uttered with a smile,
The day we crossed the water.

" The protestants of Drogheda,
Have reason to be thankful ;
That they were not to bondage brought,
Though being scarce a handful ;
First to Tholsel they were brought,
And next to Mil-mote after ;
But good King William set them free,
By venturing o'er the water.

But let us all kneel down and pray,
Now and for ever after ;
And never more forget the day,
King William crossed Boyne Water."

We have made these allusions to the satirical and ephemeral poetry of the hour, solely with the view of throwing some degree of light on the political sentiments of the times. What we have stated will, we are fully aware, fall far short of the requirements of the enthusiastic bibliographer and the antiquarian critic. But the little we have stated may be sufficient to point out the sources, where other writers may prosecute more extended inquiries on the subject. Our object is to illustrate political, and no other branch of general literature.

The drama, during the period of history now under review, was, to a limited extent, a vehicle for political opinions and satire ; but the nature and intensity of these varied with its own external fortunes, and the struggles and vicissitudes of parties. Political sentiment and satire here present three distinct phases ; the spirit which animated the drama previous to the contentions between the crown and the parliament ; that which was displayed during the civil wars and the times of the commonwealth ; and that which manifested itself after the Restoration, and the establishment of the House of Orange on the throne. The mass of dramatic pieces in each of these sections of history, bears on its front the visible imprints of the public feeling and sentiment of the times.

In the time of Henry VIII. the stage teemed with dramas, composed of a mixture of polemical divinity, and of the general reformed sentiments of the conti-

nent. In the play of "Lusty Juventus," the youth of the day are represented as gospellers, or friends to the reformation, and the old people as being remarkably tenacious of their own creeds. The devil is introduced, lamenting the downfall of superstition.

"The olde people would believe stil in my lawes
But the yonger sort leade them a contrary way,
They wyl not beleve, they playnly say,
In olde traditions, and made by men," &c.

"Hypocrisy," one of the actors, urges,

"The worlde was never meri
Since chyldren were so boulde;
Now every boy will be a teacher,
The father a fool, the chyld a preacher."

Some years before the days of Charles I. the drama generally confined itself to the prevailing social topics of the hour—not aiming at becoming a very obtrusive political instrument. During the parliamentary struggles, and the influence of puritanical doctrines, the theatre was thrown into the back-ground. On the restoration of Charles II. political sentiments became again extensively incorporated with dramatic representations. The order of the day was for the most extravagant eulogiums on the value and sacredness of princes, and on the importance of monarchical principles of legislation generally. The heads of the theatrical poets run quite wild on these points; and even Dryden himself was compelled to cater to the depraved and morbid feelings of the day.

Lord Landsdowne, in his "Essay on Unnatural Flights of Poetry," describes the causes of this state of things among the dramatists of the age.

“ Our king return'd, and banished peace restor'd,
The muse went mad to see her exiled lord ;
On the crack'd stage the bedlam heroes roar'd,
And scarce could speak one reasonable word,
Dryden himself, to please a frantic age,
Was forced to let his judgment stoop to rage ;
To a wild audience he conform'd his voice,
Complied to custom, but not err'd by choice ;
Deem then the people's, not the writer's sin,
Almanzor's rage, and rants of Maximin.”

That great instrument, the *Newspaper Press*, which in modern times has obtained such wide-spread political power over the minds of civilised communities, was, in the period of history now under consideration, of little or no importance. The origin and early progress, however, of such a gigantic and efficient organ of opinion, are both interesting and curious.

It was in the reign of Queen Elizabeth that printed sheets, containing public intelligence, were circulated among the people of England. The earliest specimens of these are among the “ Historical Collections” of Dr. Birch, now in the British Museum, and relate to the descent of the Spanish Armada. These papers were published under the name of “ The English Mercurie, published by authoritie for the contradiction of false Reports;” and the last number of this publication contains an account of Elizabeth's thanksgiving at St. Paul's for the signal victory she had obtained over the enemies of her country.

After the discontinuance of this paper, many years elapsed before anything in the shape of a newspaper was published. The next adventure of the kind appeared under the title of “ News out of Holland,” in 1619, and was followed by other publications of a

similar stamp, containing intelligence from different countries during the years 1620, 1621, and 1622. In the last year, the Thirty Years' War commenced, and the movements of Gustavus Adolphus creating intense interest in this country, the two events gave rise to the publication of the "News of the Present Week," edited by Nathaniel Butter, which was the first regularly established weekly newspaper in England.

In a few years after this the civil war between Charles I. and the Parliament commenced. This event changed the character and vastly increased the number of periodical publications. The newspaper of the day was not now exclusively confined to foreign intelligence, but embraced home news and domestic occurrences, now becoming extremely interesting from the conflicts of opposing parties. These works were spread in every direction under the names of "Diurnals," "Special Passages," "Mercuries," "Intelligencers," and the like; and were generally printed on a sheet of a small quarto size. It is said that about twenty of these productions made their appearance in the year 1643. Some of these were called "News from Hull," "News from the North," "News from Windsor," and so on. The names they bore were likewise, in many cases, quaint and singular. We find the "Scots' Dove" in stout opposition to "The Parliament Kite," or, "The Secret Owl;" "Heraclitus Ridens" set himself against "Democritus Ridens," and "The Weekly Discoverer," found itself tackled every week by "The Discoverer Stript Naked." "Mercuries" were especial favourites. There were "Mercurius Britannicus," and Mercurius Mastix,"

whose patriotic effusions were directed against the effectual extirpation of "All Scouts, Mercuries, Posts, Spies, and the like." In 1662 the "Kingdom's Intelligencer" was commenced in London. Among other novelties it took notice of the proceedings in parliament. Then came, the year after, Sir Roger L'Estrange's "Intelligencer," already noticed. This was followed by the "London Gazette," first called the "Oxford Gazette," having been issued at Oxford where the court was then sitting. This was published in 1665; and in three years after, the number of newspapers had increased to *seventy*.

L'Estrange was appointed licenser of the press; and issued a "proclamation for suppressing the printing and publishing unlicensed news-books and pamphlets of news, because it has become a common practice for evil-disposed persons to vend to his majesty's people all the idle and malicious reports that they could collect or invent, contrary to law; the continuance whereof would, in a short time, endanger the peace of the kingdom; the same manifestly tending thereto, as has been declared by all his majesty's subjects unanimously."

Newspaper speculations went on increasing; but great difficulty was often felt in filling them, small as they then comparatively were, with materials. The "Rising Sun" was published in Cornhill, on a sheet of fine paper, half of which was blank, that the purchaser, if he liked, might write his own private affairs on it, or the current news of the day. In some other papers the blank part was filled up with quotations from the bible. There was no daily paper till after the commencement of the eighteenth century.

There are several *parodies* to be found among the political writings of a satirical cast. Some of these are both witty and amusing. Marvel's parody on the speeches of Charles II., is one of the best of the kind. It is too long to be given in full; but we shall quote a few paragraphs to show the style of the author.

"My lords and gentlemen,—I told you at our last meeting, the winter was the fittest time for business, and truly I thought so, till my *lord treasurer*, assured me the spring was the best season for salads and subsidies. I hope, therefore, that April will not prove so unnatural a month as not to afford some kind showers on my parched exchequer, which gapes for want of them. I can bear my straits with patience; but my *lord treasurer* does protest to me, that the revenue, as it now stands, will not serve him and me too. One of us must pinch for it, if you do not help me. I must speak freely to you; I am in bad circumstances; for besides my harlots in service, my *reformado* concubines lie heavy upon me. I have a passable good estate, I confess; but, God's-fish, I have great charge upon it. * * * The nation hates you already for giving me so much, and I will hate you, too, if you do not give me more. * * * I have converted my natural sons from popery; and I may say, without vanity, it was my own work, so much the more peculiarly mine than the begetting them. They are all fine children, God bless 'em, and so like me in their understandings. * * * I desire you to believe me as you have found me; and I do solemnly promise you, that whatsoever you give me shall be specially managed with the same conduct, trust, sincerity, and prudence, that I have ever practised, since my happy restoration."

There were a few *political catechisms* published before the year 1700. We have found the following somewhat amusing. "A Political Catechism, concerning the Government of this Land," 1643; "Catechism annexed to Henry Parker's Portraiture of the Kings of England;" "A Satyricall Catechisme betwixte a Newter and a Roundhead," 1648; "The Soldier's Catechisme, composed for the Parliamentary Army," 1684; and the "Rebel's Catechism" by Peter Heylin.

During the period of the Revolution, and to the year 1700, caricature was not much cultivated in England. Those caricatures, for example, upon Cromwell, and his friends, were of Dutch origin, and executed by Dutch artists. Even those which were extensively circulated in this country a few years after, and which referred to the South Sea Bubble, were from Holland.

We are told, however, by Warton, in his "Life of Pope," that, in the reign of Mary, when England was groaning under the Spanish yoke, the queen's person and government were held up to perpetual ridicule by prints or pictures "representing her majesty naked, meagre, withered, and wrinkled, with every aggravated circumstance of deformity that could disgrace the female figure, seated in a regal chair; a crown on her head, surrounded by M.R. and A. in capitals, accompanied by small letters; *Maria Regina Anglicæ*! A number of Spaniards were sucking her to skin and bone, and a specification was added of the money, rings, jewels, and other presents with which she had secretly gratified her husband Philip." There are likewise caricatures in the reigns of Elizabeth and Charles I.*

* See Note B, at the end of the volume.

CHAPTER III.

POLITICAL LITERATURE OF FRANCE, FROM THE YEAR 1400, TILL 1700.

At an early period of the reform movement in Germany, the political and religious opinions of the French people became influenced, to a considerable extent, by the doctrines of the new creed. But the reform notions which found their way here, were, as in most other countries, more of a religious than a political cast. Still they had a visible reflex effect upon the general ideas of government and law. No small portion of the social and political corruptions of France, at this time, rested upon a religious basis; and when the church began to be stripped of its infallibility, those institutions, unfriendly to liberty and human improvement, naturally felt the shock and became subject to discussions and suggestions of amendment and change. The kings of France were certainly, in the abstract, independent of the Roman see; but in the administration of governmental affairs, both general and municipal, arbitrary rule and priestly domination, prevailed to an unwholesome and ruinous extent.

It is requisite to premise that a knowledge of the external history of the political and civil institutions of France is indispensable to a proper appreciation of its political literature. Unless we have a general idea of

the form of government, the fiscal regulations, the municipal institutions, the religious tenets, and the ecclesiastical regime of the country, it would be impossible to recognise the progress of its political philosophy, and to estimate the value and importance of those successive changes of public opinion which the course of time developes. To guide the judgment we must always be looking from the present to the past. We must compare the opinions and sentiments of one period with those of another, and mark the successive steps of theoretical and practical legislation. It is quite obvious, for example, that English readers and thinkers will often be at fault in estimating the importance of French political treatises, from the sheer want of that portion of knowledge, which, as natives of our own country, we imbibe without almost any labour; but which cannot be obtained on the same easy terms, on foreign topics of speculation and practice. A foreign government is like a foreign language, which can seldom or never be mastered in all its comprehensive fulness, by one who has to learn it only from books or scholastic assistance. It must, therefore, be to the general principles of polity, that we, as strangers, must direct attention. These are the grand land-marks of all scientific knowledge; and it is by steadily keeping them before the mind that real progress is made from one generation to another in that most vital of all sciences—the science of congregated humanity.

It is a curious topic of speculation to contrast the nature and character of British expositions of political science with those of France in corresponding eras of history. Separated only by a narrow strait of twenty miles, how different is the development of general

principles in the two countries ! Who would imagine for a moment that such a trifling geographical distinction between two nations, rivals in arts and sciences, would display such a diversity in their aptitudes to deal with the leading maxims of legislation, and to turn them into useful and practical results. Yet what a singular contrast does the abstract social and civil philosophy of France present to our own ; and how different the political views and institutions on each side of the channel. Here we have the Saxon customs and principles of Alfred ; there our neighbours have the *Capitularies* of Charlemagne, and the *Ordonnances* of St. Louis. Yet, amid all this diversity of thought and action, we can distinctly recognise points of affinity, grounded on the sameness and identity of scientific maxims of justice, right, and public expediency.

The university of Paris, from its civil position and privileges, as well as from the learning of its members, took an important part in the public proceedings of France. And this was particularly the case with that great section of it, called the *Sorbonne*, which, independent of its vigilance over theological questions—constituting its legitimate province—took upon itself the adjudication of all questions affecting the general principles of law, and the political rights and privileges of the citizens. Its eyes were constantly on the watch for every movement of the human mind towards liberty and improvement. In proportion to the weakness or distraction of the governments of the day, in the same ratio were the zeal and activity of this collegiate body invigorated and strengthened. Without possessing an actual independent existence of a civil

character, it, nevertheless, exercised over the mind of France a widely spread political influence and authority.

As a specimen of the sentiments of the University of Paris, in the early part of the fifteenth century, we shall lay before the reader the following carefully drawn up rules or maxims, on the policy and justice of taking away the life of any tyrannical person.

“1st,—It is lawful for every subject, without any command, according to moral, natural, or divine laws, to kill, or cause to be killed, every tyrant, who, through covetousness, or other improper motive, plots against the corporal safety of his king and sovereign lord, to deprive him of his most noble lordship; and not only lawful, but even honourable and meritorious, even when he is of such high power that justice cannot be well executed by the sovereign.

“2nd,—Natural, moral, and divine laws, authorise each person to kill, or cause to be killed, the said tyrant.

“3rd,—It is lawful for each subject to kill, or cause to be killed, the above mentioned tyrant, treacherous and disloyal to his king and sovereign lord, by snares; and it is lawful to dissemble and conceal the intention to do so.

“4th,—It is sound reason and justice that every tyrant shall be disgracefully killed by snares, and it is the proper death by which disloyal tyrants ought to die, to kill them disgracefully by wiles and snares.

“5th,—He who kills, or causes to be killed, in such a way, every tyrant, is not to blame in any respect; and the king ought not only to be pleased at it, but

ought to consider the action an agreeable one, and to authorise it as much as might be required.

"6th,—The king ought to thank him who kills, or causes to be killed, a tyrant in the above conditions, in three ways,—in affection, honour, and riches; in imitation of the remunerations made to St. Michael, the archangel, for the expulsion of *Lucifer* from the kingdom of paradise, and by the noble *Phineas* for the expulsion of Duke *Zambri*.

"7th,—The king ought to love more than before him who kills, or causes to be killed, the above-named tyrant in the manner stated, and ought to have his faith and loyalty extolled within his kingdom and without.

"8th,—The letter kills, but the spirit quickens; that is to say, that to always observe the literal sense in the holy scriptures is to kill one's soul.

"9th,—In case of alliance, oath, promise, or confederation, made by one knight with another in any manner whatever, should it happen that it turns to the prejudice of one of the parties concerned, or of his wife or children, he is not bound to keep it."

These political principles, and others of a similar complexion, supported by the theological body of France and other sections of Europe, grew out of the systems of moral casuistry which the learned doctors of divinity had for ages adopted in all their academical institutions. Indeed, these systems were the life-spring of all their influence and power; and knowing and feeling this to be the case, they directed every mental faculty towards sustaining and developing them, and making them as theoretically perfect as possible. And in this undertaking they succeeded to an amazing extent. One generation of profound thinkers after an-

other had taken up the sophistical web, till they had made such a tissue of labyrinths that it became impossible for ordinary minds to extricate themselves out of them, without coming in contact with the church authorities of the day. Perceiving the intimate relationship subsisting between the moral duties of ordinary life, and those which appertained to the functions of citizenship, they jumbled them together; subjected them to the same rules of abstract reasoning—and drew inferences from the heterogeneous mass, that affected kings and governments, as well as the humblest subjects of the realm. What applied to morals applied to politics; and what applied to a king applied to a peasant. Being at the head of all private and public instruction, and taking under their auspices the entire moral sentiments and opinions of a nation, the learned doctors moulded and influenced them in such a manner as to bring the national feelings of a whole people to bear directly upon the great principles of legislation and government. The doctors knew that public opinion must necessarily consist of a collection of individual ideas and judgments; and, as they had always a full command over these, they could readily, on any given signal or emergency, turn the national will in any direction that suited them.

It is a one-sided notion, however, to conceive that the Roman catholic casuistical philosophy, on which the political opinions of the doctors of the Sorbonne rested, is one entire mass of error. It is not so. No system of pure and unsophisticated delusion, can gain a permanent hold of the mind of a nation. It is the mixture of truth with error that produces the real evil; and which renders its subsequent eradication a

matter of such labour and difficulty. The principles of all moral obligation being naturally involved in a certain portion of obscurity, and being susceptible of various interpretations, depending upon the different points of view from which they are contemplated, advantage was taken of this by the doctors of theology, and they played off one contradictory conclusion, and one moral sentiment against another, till they mystified the entire body of moral truth and evidence, and rendered the whole duty of man a mass of contradictions and puerilities. Every emotion and affection of the human soul was worked up into some fantastic shape, totally at variance with its healthy actions and aspirations. The principles and instincts which regulate communities of men were alike distorted, and pushed to mischievous and absurd conclusions. Indeed, the entire framework of social and political life became tainted to the heart's core, by a universal system of sophistical chicanery and logical drivelling, adopted and cultivated with indomitable pertinacity in all the public seminaries of instruction in France.

The number of moral treatises published during the sixteenth and seventeenth centuries, by the doctors of the Sorbonne, was very great; their name, in fact, is legion. We cannot muster courage to make an attack upon the colossal assemblage. They all more or less touch on political principles and systems; and it would be impossible to lay our hands upon any one of these publications, that does not contain a considerable portion of what any rational political philosopher would pronounce to be sound and wholesome doctrine. But the true is so blended with the false and absurd, that to effect the separation is almost impossible. For exam-

ple, the doctrine which the casuistical doctors call *first intention*, which they so artfully apply to moral questions of common life, is only another name for that *intention* which really enters into every private and public code of morality upon the face of the earth ; and without the active presence of which no moral sentiment could exist, nor punishment or reward be given. Again, what the doctors call *probableism*, is only another term for private and public expediency, which forms such a necessary and important element in every system of social and political morality. But then the uses to which these admitted doctrines are applied, are so ridiculous and mischievous, both in private and public life, that we recoil, with a kind of instinctive horror, when we recognise our moral likeness in the mirrors of the Sorbonne. When a man's ideas of private morality become bedimmed, one of the great chances of making him a useful and enlightened citizen is lost. The system of political and moral casuistry besets the ordinary paths of life with thorns and briars, that legislative truths may be approached with difficulty and doubt.

Over the printing and publishing of all philosophical treatises, on politics and morals, the society of the Jesuits in France, whose doctrines we shall notice by-and-bye, had a complete control. Booksellers were prohibited from selling any such works unless the sanction of religious superiors was given to them. This was a fixed regulation, made law by Henry III., in 1583, and confirmed by Henry IV., in 1603, and Louis XIII., in 1612. Nothing, which did not breathe the spirit of the theological order, could be permitted to approach the public understanding. These

privileges were in the shape of official licenses. To be allowed to print in any form was a matter of great difficulty. Hence authors were driven to the expedients of getting their works printed at Geneva or the Low Countries; and often, to bring them before the public, fictitious names were appended to them.

FRANCIS HOTTOMAN.—“Franco-Gallia.” This work is chiefly a compilation from the early French historians, to prove what share of political power a people should possess over a government, and in the selection of a sovereign.

STEPHEN DE LA BOETIE.—“Le Contr’ Un; ou, Discours de la Servitude Volontaire,” 1578. This author was the intimate friend of Montaigne. The aim of the work is to raise the mind above the servile fear of kingly power and authority. The following observations are taken from the treatise:—“He who plays the master over you, has but two eyes, has but two hands, has but one body, has nothing more than the least among the vast number who dwell in our cities; nothing has he better than you, save the advantage that you give him, that he may ruin you. Whence has he so many eyes to watch you, but that you give them to him? How has he so many hands to strike you, but that he employs your own? How does he come by the feet which trample on your cities, but by your means? How can he have any power over you, but what you give him? How could he venture to persecute you, if he had not an understanding with yourselves? What harm could he do you, if you were not receivers of the robber that plunders you, accomplices of the murderer who kills you, and traitors to your own selves? You sow the fruits of the

earth, that he may waste them ; you furnish your houses, that he may pillage them ; you rear your daughters, that they may glut their wantonness, and your sons that he may lead them at the best to his wars, or that he may send them to execution, or make them the instruments of his concupiscence, the ministers of his vengeance. You exhaust your bodies with labour, that he may revel in luxury, or wallow in base and vile pleasures ; you weaken yourselves, that he may become more strong, and better able to hold you in check. And yet from so many indignities, that the beasts themselves, could they be conscious of them, would not endure, you may deliver yourselves, if you but make an effort, not to deliver yourselves, but to show the will to do it. Once resolve to be no longer slaves, and you are free. I do not say that you should assail him, or shake his seat ; merely support him no longer, and you will see that like a great Colossus, whose basis has been removed from beneath him, he will fall by his own weight, and break to pieces*."

HUBERT LANGUET.—"*Vindiciæ contra Tyrannos*," 1570. The author was a native of Viteaux in Burgundy, but died in the service of the Prince of Orange, at Antwerp, in 1581. He appeals to the Old Testament for his ideas of the offices and duties of a king. Those rulers who undermine true religion, or violate the laws of justice and humanity, lay themselves open to the just rebellion and retaliation of their subjects.

JOHN BODIN.—"*Republic*," 1577. This is a large folio volume, of nearly eight hundred pages. It is divided into six books.

Bodin never dreams of disputing the foundation of sovereignty, nor calling it in question, as was afterwards done by many writers, both in England and on the continent. His notion of sovereign power is, that it is perpetual and unlimited. But then the author says again, that the prince is restrained by divine and natural laws*. He says the sovereign power is the image of God. He makes laws; institutes powers and magistrates; makes war and peace; judges without appeal; grants freedom; and incessantly maintains all governmental functions of the state by his arm and council†.

In the second book of his "Republic" he opens with a classification of the different kinds of government. He reduces them into three:—monarchy, aristocracy, and democracy; all other forms he refers to one or other of these primitive elements. Monarchy he subdivides into kingly, absolute, and tyrannical. Absolute power, he thinks, was the original form of all human societies, and it involves the complete authority of a prince over the lives and goods of his subjects. Kingly power, he speaks of with rapture; and considers the French monarchy, as constituted in his own day, the very height of perfection‡. Tyranny is defined by him to signify the power which any man exercises above the laws to inflict evil upon another§.

In the third book, Bodin enters into details which appertain to most forms of government. He treats of the senate, of its utility, and its composition. It should not, in his opinion, be invested with executive power.

In his fourth book, there is a great deal of inter-

* Chap. 8.

† Lib. i.

‡ Lib. ii.

§ Lib. ii. cap. 4.

esting matter relative to the origin of states, their rise to power and wealth, and their decline and fall. Here their seems a great struggle in the author's mind between his theological principles and his philosophy. It would not be difficult for the critic to point out many contradictions throughout the course of the author's reasonings in this part of his subject. Indeed, the same remark may apply to almost all writers who view the science of politics through an exclusively theological medium.

In the fifth book, Bodin broaches the question, as to influence of climate upon the genius of governments. He divides the human race into three grand divisions—the eastern, the western, and the mixed class*. In this part of his subject he shows great research; but fails to establish anything decisive on this long controverted point.

In the sixth book, the author goes into the consideration of the public resources, money, &c. Then he enters into a comparison as to which kind of government is the best suited for the management of these matters; and he gives the preference to a kingly or hereditary monarchy, such as France, which he considers as a model for all other nations to follow.

Bodin went considerably beyond the notions of toleration generally current in his own day and country. He thinks the consciences of men ought to feel the rod of authority with great tenderness. Hear what he says on this point. "The mightier that a man is, the more justly and temperately he ought to behave himself towards all men, but especially towards his subjects. Wherefore, the senate and people of Basle did

* Lib. v.

wisely, who, having renounced the bishop of Rome's religion, would not, upon the sudden, thrust the monks and nuns, with the other religious persons, out of their abbeys and monasteries ; but only ordered, that, as they died, they should die both for themselves and their successors, expressly forbidding any new members to be chosen in their places, so that, by that means, their colleges might, by little and little, by the death of the fellows, be extinguished. Whereby it came to pass that all the rest of the Carthusians, of their own accord, forsaked their cloisters ; yet one of them all alone for a long time remained therein, quietly and without any disturbance, holding the right of his convent, being never enforced to change either his place, or habit ; or old ceremonies, or religion before by him received. The like order was taken at Coire in the diet of the Grisons ; wherein it was decreed, that the ministers of the reformed religion should be maintained out of the profits and revenues of the church ; the religious men, nevertheless, still remaining in their cloisters and convents, they being now prohibited to choose any new person for them who died. By which means, they who possessed the new religion, and they who possessed the old, were both provided for*."

Bodin advances the opinion that all great constitutional changes in any government should be effected by gradual and slow degrees. "We ought, then," says he, "in the government of a well-ordered state and commonwealth to imitate and follow the great God of nature, who in all things proceedeth easily, and by little and little ; who of a small seed causeth to grow a tree, for height and greatness right admirable,

* Book iv.

and yet for all that insensibly; and still by means conjoining the extremities of nature, as by putting the spring between winter and summer, moderating the extremities of the times and seasons, with the self-same wisdom which it useth in all other things also, and that in such sort that no violent force or course therein appeareth*.”

There are, however, some dark spots in his “Republic,” which contrast curiously with its general enlightened and intelligent tone. He enters elaborately into the argument to prove that, in a well-regulated state, the father should possess the right of life and death over his offspring. He seems, likewise, to have believed in witchcraft, and to have thought it just and creditable for legislators to punish it severely.

Bodin was a most profound juriconsul. He had studied the science in all its bearings and aspects. He was an enemy to the system of Cujas; but still paid great respect to his abilities. He had a most correct view of the Roman law in all its leading points; and seems to have studied it for himself, and to have preserved his own independent tone of thinking.

Bodin’s thoughts on jurisprudence are contained in a short work, entitled “*Juris Universi Distributio*.” The manner of treating his subject is anything but satisfactory. He puts and answers the following questions. What is jurisprudence? What is its precise form? What is right? And what is the substance or matter of right? The author then sums up the whole by a theory of justice which, in fact, is scarcely intelligible. He has illustrated his ideas by a refer-

* Book 4.

ence to arithmetical numbers, and involved his matter in inextricable difficulties*.

MARC ANTONY MURET, was a French Jesuit, and the author of a work "On the Origin of Laws," published about 1582. The author grounds his notions of legal power and obligation on the constitution of men, and on the necessity for, and the obvious advantages derived from, a code of rules defining the limits of personal liberty and right.

"De Republica," 1590. The authorship of this work is a subject of controversy. It was written at the rebellion of the League against Henry III. of France. The treatise is systematic in arrangement, and, in many places, ably and eloquently written. The origin of society may be traced to the necessity and convenience of social rule and authority; and the author maintains that all kinds of magisterial rule must have been, in the first instance, elective. All the various forms of commonwealths have, in effect, sprung from the consent of the people, except such as are referrible to conquest. All sound governmental rules are of a compromising character; and hence we find, that when we limit the royal authority too much, it is injurious, by throwing too large a share of the democratic power into irresponsible hands; while again, nothing proves such a support of tyrannical power, as to hedge about the person of the sovereign with notions of divine right and sacredness.

In the second chapter, the author enters into the general doctrine of the right to depose political tyrants. No subject's oath of allegiance is binding unless the king abide by the laws; and this right of

* Lib. vi. cap. 6.

resistance to wicked sovereigns lies at the foundation of all the political institutions of Europe. The doctrine is likewise supported by the declarations of the church. In the third chapter, the author inquires what constitutes a tyrant? The answer is, one who despoils his subjects of their possessions, or offends public decency by an immoral life, or assails religion, or who exercises his regal authority to render his subjects heretical. In the fourth and fifth chapters, he maintains that all the forms of protestantism are worse than paganism, as they are less favourable to a virtuous life; and that Calvinism is the worst of all forms of protestant faith. The other portions of the work are full of the like invectives against the protestant community of France.

PIERRE GREGOIRE.—“*De Republica*,” 1597. Pierre Gregoire was a native of Toulouse, and born in 1525. He wrote a great number of works; but the above treatise is considered the most profound and learned. There is an immense body of information in the volume. The most interesting topics are on the equality of republics; the necessity of cultivating the arts and sciences, in order to reap the full benefit from social institutions; the effects of ecclesiastical authority on the state; the different species of monarchy; the influence of money on a nation; and the power and control of public opinion. All the remarks of the author are supported by numerous quotations from the ancient philosophers, as well as from the sacred writings.

BOUCHER.—“*De Justa Henrici III. Abdicatione a Francorum Regno*,” 1589. This work maintains the general doctrine, that the people have an absolute

right to depose and kill all political tyrants. He was attached to the political doctrines of the league in France, and pushed them to their utmost logical consequences.

FRANCISQUE LOTIN.—“*Advis Cívils, contenant plusieurs beaux et utils enseignemens, tant pour la vie politique, que pour les conseils, et gouvernemens des Estats et Republiques*,” Paris, 1584. This is an Italian production, translated into French. The work contains a number of detached observations on politics, assuming the appearance, in many cases, of axioms; and the truth of these is illustrated by examples taken from ancient and modern history. There is no system; no theoretical notions; no constitution-making. All is a fireside affair. The author compares the governing of a state, with the governing of a house. We must, in both cases, attend to many matters of detail; we must be guided by circumstances as they occur in the progress of life; and though general rules and principles are of great efficacy in both situations, yet there must needs arise many things to stand in the way of their universal application. The book, take it as a whole, is marked by good sense, and profound reflection.

“*Discours Politiques sur la voye d’entrer deuëmant aux estats, et manière de constamment s’y maintenir et gouverner*,” 1584. This is an anonymous publication. It treats of the general principles of government; and divides all the various kinds of civil polity into three orders; the monarchical, the aristocratical, and the democratical. The author thinks that the best form is that which is compounded of a due proportion of all the three elements.

ANTONIO PALAZZO COSENTIN.—“Discours du Gouvernement et de la Raison vraie D’Estat,” 1611. This is a translation from the Italian. It contains a description of various kinds of government; points out the real causes which bring states into difficulties; shows the necessity of incorporating christianity with the state; the pernicious influence of national luxury; and maintains that a government should sedulously endeavour to frame all its public measures so as to preserve as great an equality among the citizens as possible. All these abstract positions the author strengthens by quotations from some of the most enlightened legislators of antiquity.

RENE DE LUSINGE.—“De la Naissance, Durée, et Cheute des Estats, ou sont traittees plusieurs notable Questions, sur l’Establissement des Empires et Monarchies,” 1588. This treatise is directed more to the consideration of what may be termed the external means of creating and supporting the power of a state, than to the disquisition of abstract principles of policy. The work is divided into three books; namely, 1st,—On the means of retaining an effective military force, and of the great importance of attending promptly and energetically to the civil business of government. 2nd,—Of the utility of religion as a political instrument, and of the means of avoiding all unnecessary causes of popular discontent; and the third on divers matters which hasten the downfall of states.

In the first chapter of the third book, on the causes of the decline and fall of states, the author’s remarks are very excellent. He endeavours to show that it is always by some vicious mode of political misrule, long persevered in, that nations are precipitated to their

ruin; and that if rulers were more attentive to the true interests of their people, they would have a much longer lease of their dominions.

The author conceives that religious sentiment is indispensable to all states. It is the only security for the authority of the prince, as well as the rights of the people. All human obligation would be effaced from the minds of men, were there not a general idea of a divine being, who rules the destinies of our race. The entire current of ancient and modern history, most amply confirms the truth of this position.

PERE RIBADENEYZA.—“*Traité de la Religion que doit suivre le Prince et des vertus qu'il doit avoir pour bien gouverner et conserver son état contre la doctrine de Machiavel et des Politiques de notre tems,*” 1610. This work is from the pen of a Spanish Jesuit, and was translated into French by Antoine de Balingham, a native of St. Omer. In the first part of the work, the author affirms that history shows us that all states, no matter what was the particular form of their government, have found it necessary to call in the aid of religion to strengthen their hands. Without this assistance civil institutions would present but a scene of confusion and disorder.

GABRIEL NAUDE.—“*Considerations sur les Coups d'Etat.*” The author maintains the doctrines of Machiavel, and pushes them to their greatest extent.

“*Sommaire de la Felicité des Princes et Republiques,*” 1616, par F. D. E. F. This work contains an analysis of the ancient states and republics, and the author applies his remarks and illustrations to modern governments. His great aim is to draw lessons of wisdom from the experiences of ancient times, for the

purpose of guiding the conduct of modern statesmen and princes. The work is rare, and worth a perusal.

DOCTOR RICHER.—“De Ecclesiastica et Politica Potestate,” 1611. This work is chiefly remarkable for some particular circumstances connected with its publication. The Council of Sens assembled at Paris in 1612, under the direction of Cardinal du Perron, for the sole purpose of condemning this book as an *anonymous* book. The assembled prelates decided that the work was anonymous, though it had the name of Doctor Richer affixed to it. The merits of the work were not entered into; but the sole ground of objection was that it appeared without a name. The Council of Aix, in Provence, assembled the same year, and for the same purpose; and they did not forget the decision of their brethren at Paris as to its anonymous nature, though they assembled to condemn it upon other grounds. These grounds were, however, never stated to the assembly; but they confirmed the decision of the Parisian prelates, *that the book was published without a name*. This circumstance affords a sufficient indication of the general scope of the work, which is to place ecclesiastical power in a disadvantageous point of view.

M. A. PHEVENEAU. “Precepts d’Estat,” 1627. This work is dedicated to the king of France, and the writer informs him that it contains such sound and wholesome truths, as a good, enlightened, and religious monarch as he was, would like to instil into the mind of his son, the heir to the crown. There is excellent advice contained in this book, if crowned heads would read it, and profit by it. But history does not show that royal pupils, in matters of politics,

have ever been very docile or apt scholars. They perish, not from the lack, but from a superfluity of advice. The author touches on almost every subject connected with the stability of a government, and the happiness and power of the people. He considers the latter as the nerves, and blood, and bones of the body politic.

“*Les Politiques de Vincent Cabot*,” 1630. VINCENT CABOT, juriconsul, was born at Toulouse in the sixteenth century. He applied himself particularly to jurisprudence, in the early part of his life. In his latter years he undertook an extensive work on the nature of political science generally; but he died before it was finished. His manuscripts were placed in the hands of a friend, who, after having corrected and revised them, put them to the press in their present shape. The work is divided into five books, and these again into many chapters. The author enters very fully into all the abstract principles of politics; the formation of governments; the nature and extent of sovereignty; the paramount dignity and importance of political science; of religion, its influence and offices in the state; of the appointment of magistrates; public assemblies of the people; of the abstract nature of monarchy; what are the causes of political corruption, the mutations of nations, and their rapid decline from wealth and power, to poverty and feebleness; the origin of treasons, seditions, and civil wars; of offensive and defensive wars; and of the appointment and duties of ambassadors. All these various topics are treated of with great acuteness and ability; and the writer displays a most profound knowledge of all the ancient forms of government in Greece and Rome.

Cabot's notion on the nature of the social contract, seems to be, that the power of the chief magistrate arises from the same source as the authority of a parent over his family. The two situations, he considers, are quite parallel; and this is the only key to the right solution of this knotty problem.

FRANÇOIS SAUSSOVIN.—“Du gouvernement et administration de divers Estats, Royaumes, et Republiques, tant anciennes que modernes,” 1611. This work contains general observations on, and an analysis of, the governments of France, Spain, England, Germany, Poland, Portugal, Naples, Turkey, Persia, Tunis, Fezzan, Ancient Rome, the Papal Court, Athens, Sparta and Lacedemon, Venice, Genoa, Lucca, Switzerland, Nuremburgh, Regasa, Utopia, Egypt, and Ethiopia.

DE MOUCHEMBERT.—“Essais Politiques et Militaires,” 1627. This is not a systematic treatise on politics, but only a collection of observations and remarks on various subjects, given under the form of *axioms*. There is a great fund of good sense observable in most of them; and the author displays considerable learning, and reading on political topics, of both an ancient and modern character. Many of the axioms are concisely and neatly expressed.

There was a small work surreptitiously printed and published in France, in 1650, called “Le Politique du Temps.” There were many pirated editions of it, throughout the French provinces. The work treats of the power and authority of princes; of the several kinds of government; and of what really constitutes the liberty, and civil freedom, and independence of a nation. It is a very able and well-written performance.

MARCO-ANTONIO DE DOMINIS, wrote his “De Repub-

licâ Ecclesiastica," in 1620. The work is in three volumes folio, and, on its appearance, was immediately condemned by the theological faculty of the *Sorbonne*. The liberal and enlightened view the author took of the nature of church authority, and the manner in which he endeavoured to point out its real and beneficial connection with civil power, were the chief objections which the government of the day urged against the publication.

The following rather rare French works, may be consulted by the politician with advantage.

MICHEL PICCART, "Observations Historico-Politico, 1652; BRILLARD, *La Bête à Sept têtes*, 1653; DUPUY, "Traites des Droits et Libertés de l'Eglise Gallicane," 1639; CLAUDE JOLY, "Recuil des Maiximes pour l'Institution du Roi," 1652; KELLER, "Mysteria Politica," 1625.

About the middle of the seventeenth century, the foundation was laid in France of that system of philosophy, which exercised over the whole of the following century such a remarkable influence on the abstract theories and reasonings of the political writers of this country. Descartes published his treatise "On Method," and his "Principles of Philosophy," works which contained the germs of a new spirit imparted to political science, in all its multifarious aspects. They struck at the roots of all old and received opinions; looked upon man in his complicated, social, and intellectual relations, through a new medium; and laid down canons of criticism for testing what was true, in every branch in the comprehensive study of human nature. Setting out with the broad principle that there was nothing true or certain, from any previous

criteria of truth, the philosopher, began to mould human knowledge according to his own fancies; and to those who adopted his creed, the first lesson they had to learn was to *doubt*. Doubting was as necessary to a Cartesian, as common air to the support of animal life. What could not be depended upon in metaphysics, and ethics, could not be depended on in general polity; and *vice versa*. Descartes said, in substance, to the politician, as well as to the cultivators of every other science, "You can know nothing of your subject, unless you look into your own nature, analyse your own consciousness, demonstrate the validity of your own existence, *cogito, ergo sum*; and then you are placed in such a position as to know something of the secret springs and elementary principles of society. Throw aside all previously received knowledge on the matter; it must of necessity be worthless, seeing it has not been submitted to the only test which can fix its value. Look then, to the inner man; to all the subtle powers of his mind and will, and you will find the real motives of his public conduct, and be able to mould your external machinery of government in strict conformity with them." This was the declaration of the new philosophy. And we can distinctly trace its influence over the speculative thought of French authors, from the day of its promulgation to the present hour. Indeed, Descartes's views took a firm hold of the continental mind generally; but their influence in Great Britain was very limited, confined chiefly to logical and mental systems.

LE BLANC.—"Le Monarchie," 1660. This small treatise is divided into three parts; the first showing what was the probable origin of kingly power; the

second, of its almost universal prevalence ; and thirdly, of the improvements of which it is susceptible. Several points of the general argument are well brought out, and the book is readable.

In 1671, BOSSUET wrote his famous "Discourse on Universal History," one of the most masterly productions of the times, in reference to many of the leading principles of political science. The author maintains that the doctrine of infallibility of the pope is unsound, and likewise that he has no right to assume the power of deposing kings. These opinions are said to have lost the bishop a cardinal's hat, as they were totally at variance with those entertained by Innocent II., in reference to the independence of the crown of France.

The eloquent BLZAC published, 1660, "Le Prince," and "Socrate Chretien," which were extensively read throughout France. The opinions and sentiments of these publications, are every way worthy of the honour and fame bestowed upon them.

AMELOT DE LA HOUSSAYE, 1680, is the author of "Political Discourses on Tacitus," in which he deduces some general principles of political science from the history of that famous Roman writer.

LENOIR wrote, in 1683, his "Recueil de Requêtes et de Factums," in which he treats at great length, and with much warmth and energy, of the rights of the people, and of the pernicious influence of theological domination. He was likewise the author of several other political works, breathing the same sentiments. He was brought before the court tribunals for his opinions, and was condemned to the galleys, where he died in 1692.

The amiable FENELON, Archbishop of Cambray, is one of the philosophical politicians of whom France feels proud. He wrote under peculiar circumstances, having been in trammels all his life; but his natural good sense, humane feelings, and sound judgment, led him to a decidedly liberal mode of thinking, both as to theoretical and practical matters of civil government. There are, however, throughout his speculations of a political cast, many contradictory opinions and sentiments, evidently the result of the intellectual bondage under which he was doomed to spend his days. When he takes up a sound and enlightened principle, he handles it like a man who is conscious of having many critical eyes directed upon him, eager to detect every little thing that could be turned to his disadvantage, with a tyrannical and corrupted court. Consequently, he falls into qualifying and compromising his opinions in every direction; so that it often becomes a matter of perplexity to detect what his real notions are as to many of the elementary principles of general polity. This is strikingly apparent in his more grave and serious essays which have for their professed object, the development of the philosophical maxims of the science of government, not as political diplomatists and intriguing princes view them; but as they should be examined and discussed in relation to the laws of nature, and the rudimental ideas of civil right and liberty.

Fenelon places the foundation of all political duties and privileges upon the basis of divine philosophy. This leads us, independent of revelation, to consider the Supreme Being as the common father of all social communities; and the several members of them as

children and brethren of the same family. It is this spiritual philosophy which induces us no more to regard ourselves as independent beings, created only for selfish ends, but as a small part of the whole which composes mankind; the public good in general is to be preferred to one's own private interests. This is the true source of all noble and heroic sentiments and virtues. Weaken or destroy this divine philosophy, and there can be no principles of a permanent union established among men.

The "Telemachus" of Fenelon, 1700, is a political romance, said to have been penned as a satire on the government of Louis XIV. It is worthy of attention, both from the patriotism of its sentiments, the elegance of its invention, and the simplicity and beauty of its language. The philosophy of the work is, that the whole world ought to be looked upon as a universal republic, and each nation only as a great family. From this elementary idea, he deduces the laws of nature and nations, which, in their aggregate character and influence, are equitable, generous, and humane. From this point of view, no country can be considered as absolutely independent of another, but that the whole of mankind are an indivisible unity or whole. Hence arise certain duties and obligations, which every country lies under, to foreign nations, and the benefit of that line of policy which leads it to cultivate a friendly intercourse and bearing towards them. He then dwells with great eloquence and force of reasoning, on the inestimable public advantages derived from the government of a prince, when he comports himself with the maxims of wisdom; when he rules by the good opinion of his subjects; and

when he removes far from him all those impure habits and modes of personal indulgence calculated to debase himself, and sap the morals of a nation. On the nature of commercial freedom, we have the following observations.

“ ‘How is it,’ said I to Narbal, ‘that the Phœnicians have made themselves masters of the commerce of the whole earth, and have thus become rich at the expense of all other nations?’ ‘You see,’ answered he, ‘that the situation of Tyre is favourable to commerce. Our country has the glory of having invented the art of navigation; the Tyrians, if we may believe the traditions of the remotest antiquity, were the first masters of the ocean long before the age of Tiphys and the Argonauts, of whom Greece is so proud. The Tyrians, I say, were the first who dared to trust themselves in a frail bark to the mercy of the waves and the tempest, who fathomed the depths of the sea, who observed the constellations far from land, according to the science of the Egyptians and Babalonians; in a word, who united so many nations separated by the ocean. The Tyrians are industrious, patient, laborious, neat, sober, and economical: they are under a strict internal government; they are perfectly united; and never was a nation more constant, more sincere, more faithful, more true, or more obliging to foreigners. In these things, without farther inquiry, you find the causes which make them monarchs of the ocean, and their harbour the seat of so useful a commerce. If division and jealousy were to arise among them, if they began to indulge in luxury and idleness, did the heads of the nation despise labour and economy, were the arts no longer honoured in their town, did they fail in good

faith towards foreigners, did they change in the least particular the rules of a free commerce, did they neglect their manufactures, or cease to make the great improvements necessary to bring each kind of merchandise to perfection; you would soon behold the fall of that power which you admire.' 'But explain to me,' said I, 'the method by which I may at some period establish a similar commerce, at Ithaca;' 'Do,' he answered, 'as we do here: give a ready and favourable reception to all foreigners; let them find safety, convenience, and entire liberty in your harbours; never allow yourselves to be overcome by avarice or pride. The proper way to gain much is never to wish to gain too much, and to know how to lose at proper times. Make all foreigners love you; ever suffer somewhat from them. Fear to excite their jealousy by your pride; be faithful to the laws of commerce; let them be simple and easy; accustom your people to obey them implicitly. Punish severely fraud, and even negligence or luxury among the merchants; these things ruin commerce, by ruining the men who carry it on. Above all, never attempt to restrict commerce, in order to make it serve your own purposes. The prince should never interfere with it, lest he should restrict it; and he ought to allow his subjects who have the trouble, to enjoy all the profits, otherwise he will discourage them. He will derive sufficient advantage from the wealth which will flow into his dominions. Commerce resembles certain springs: if you attempt to change their course, they will become dry. Profit and convenience are the only things which attract foreigners to you: if you make commerce less agreeable and useful to them, they will gradually with-

draw, and return no more ; because other nations, benefiting by your imprudence, will invite their visits, and thus accustom them to do without you. I must even confess that for some time the glory of Tyre has been much diminished. Oh, if you had seen it, my dear Telemachus, before the reign of Pygmalion, you would have been much more astonished. You now find here only the sad remains of a greatness which is hastening to decay. Oh, unhappy Tyre, into what hands hast thou fallen ! Formerly, the ocean brought to thee tribute from all the nations of the earth. Pygmalion is in constant fear both of foreigners and his own subjects. Instead of opening his harbours, according to our ancient custom, to all the most distant nations with entire freedom, he wishes to know the number of vessels which arrive, the countries whence they come, the names of the men they carry, the trade to which they belong, the nature and prices of their merchandise, and the time of their stay here. Still worse than this, he employs fraud to surprise the merchants, and confiscate their goods. He annoys those merchants whom he thinks most opulent ; he establishes new imposts on different pretexts. He himself wishes to engage in commerce, and every one fears to have any business with him. Thus trade is languishing ; foreigners are gradually forgetting the road to Tyre, once so pleasant to them ; and if Pygmalion do not change his conduct, our glory and our power will soon be transferred to some better nation, better governed than ours."

In the author's "*Dialogues des Morts*," we find much useful and political instruction, particularly for princes and rulers. He here takes his readers into

the regions of *Tartarus*, and draws the portraits of the royal characters found there, stripped of their earthly grandeur and crowns, and called to account for the vice and bloodshed of their respective reigns. The following is an example of the mode of treating his subject. It is a dialogue between Alexander and Clitus.

Clitus. Good day, great monarch. When didst thou descend into these gloomy regions?

Alexander. Ah, Clitus! withdraw; I cannot endure the sight of thee: it reproaches me with a fault.

Clitus. It is the will of Pluto that I should remain before thee, as a punishment to thee for having killed me unjustly. I am sorry for it, for I still love thee, notwithstanding the wrong which I suffered at thy hands; but I can never leave thee.

Alex. Oh! wretched companionship; always to behold a man who reminds me of a deed of which I am so much ashamed.

Clitus. I can look upon my murderer. Why canst thou not behold a man whom thou didst kill? I find that the great are more sensitive than other men: they wish to see only those who are pleased with them, who flatter, and pretend to admire them. The borders of the Styx are not the place for such feelings. Thou oughtest to have relinquished them with thy royal grandeur. Thou hast nothing to give here, and thou wilt not find any flatterers.

Alex. Alas, what a misfortune! On earth I was a god; here I am but a ghost, and I am pitilessly reproached with my faults!

Clitus. Why didst thou commit them?

Alex. When I killed thee I had drunk too much.



Clitus. A fine excuse truly for a hero and a god ! He who ought to have been reasonable enough to govern the whole earth, lost all his senses by drunkenness, and reduced himself to the condition of a ferocious beast ! But confess the truth. Thou wast intoxicated more by false glory and anger than by wine. Thou couldst not endure my condemnation of the vanity which led thee to receive divine honours, and to forget the services which had been rendered to thee. Answer me : I no longer fear that thou wilt kill me.

Alex. Oh, cruel gods, why cannot I be revenged upon you ? But alas ! I cannot even take vengeance on this ghost of Clitus, who insults me so brutally.

Clitus. I perceive that thou art as irritable and violent as thou wast among the living. But no one fears thee here. For my part I pity thee.

Alex. What ! the great Alexander an object of pity to so mean a fellow as Clitus ! Why cannot I kill thee, or destroy myself ?

Clitus. Thou canst not do either. Ghosts never die : thou art immortal. But it is not the immortality to which thou laidst claim : thou must resign thyself to being merely a ghost like me, or like the meanest of men. Thou wilt here find no more provinces to lay waste ; no kings to trample upon ; no palaces to burn in thy drunkenness ; no ridiculous fables to relate, in order to boast thyself the son of Jupiter.

Alex. Thou treatest me as a wretch.

Clitus. No ; I acknowledge thee to be a great conqueror, with sublime natural qualities, but spoilt by too great success. Does it offend thee to tell thee the truth with affection ? If truth offends, return to the earth in search of flatterers.

Alex. Of what avail, then, is all my glory, if Clitus even does not spare me?

Clitus. It was thy impetuosity which tarnished thy glory among the living; dost thou wish to keep it unblemished among the dead? Thou must be modest among ghosts, who have nothing to gain or lose with thee.

Alex. But thou saidst thou lovedst me?

Clitus. Yes, I love thy person without loving thy faults.

Alex. If thou lovest me, spare me.

Clitus. Because I love thee, I will not spare thee. When thou wast so chaste in the eyes of the wife and daughter of Darius, when thou showedst so much generosity towards that vanquished prince, thou deservedst great praises: I gave them to thee. Prosperity afterwards made thee forget even the care of thy own glory. I leave thee. Adieu.

In the instructions which Fenelon imparted to the heir of the French throne, the Duke of Burgundy, he was anxious to impart to his pupil a hatred and detestation of all acts of cruelty and tyranny. We have, therefore, from these admirable "Dialogues," another lesson against despotism and licentiousness. This is a conversation between Plato and Dionysius the tyrant.

Dionysius. Good-day, Plato. Thou art just the same as thou wast when I saw thee in Sicily.

Plato. As for thee, thou hast lost the splendour which surrounded thee when on thy throne.

Dion. Thou wast but a chimerical philosopher; thy republic was only a beautiful dream.

Plato. Thy tyranny was not more substantial than my republic. It has fallen.

Dion. Thy friend Dion betrayed me.



Plato. Thou betrayedst thyself. He who makes himself hated has everything to fear.

Dion. But then how much it costs to make one's-self beloved ! We must please others. Is it not better to please ourselves at the risk of being hated ?

Plato. Those who make themselves hated, in order to gratify their passions, have as many enemies as they have subjects: they are never in safety. Tell me, didst thou ever sleep in tranquillity ?

Dion. No ; I confess it. But it was because I had not taken the lives of a sufficient number.

Plato. Ah ! dost thou not perceive that the death of some drew upon thee the hatred of the rest ?—that those who beheld the massacre of their neighbours expected to die in their turn, and could save themselves only by forestalling thee ? It was necessary for thee either to kill every one of the citizens, or to abandon thy severe punishments, and endeavour to make thyself beloved. Those who are beloved by the people need no guards: they live among their subjects as fathers, who fear nothing in the midst of their own children.

Dion. I remember that thou didst urge all these arguments upon me, when I was on the point of renouncing tyranny, in order to become thy disciple, but a flatterer prevented me from executing my design. It must be confessed that it is very difficult to resign sovereign power.

Plato. Would it not have been better to resign it voluntarily, in order to become a philosopher, than to be disgracefully deprived of it, and compelled to gain thy bread by the trade of a schoolmaster at Corinth ?

Dion. But I did not foresee that I should be driven into exile.

Plato. Ah! How couldst thou hope to remain master in a place where thou hadst driven everybody to the necessity of ruining thee, in order to avoid thy cruelty?

Dion. I hoped that they would never dare to attack me.

Plato. When men risk more in letting you live than in attacking you, there will always be found some ready to be first with the blow. Your own guards can secure their lives only by taking yours. But tell me frankly, didst thou not lead a more pleasant life in thy poverty at Corinth than in thy splendour at Syracuse?

Dion. That is true: the schoolmaster of Corinth ate and slept tolerably well; the tyrant of Syracuse always had fears and suspicions. It was necessary to murder some one, to seize treasures, to make conquests. Pleasures were no longer pleasures: I had exhausted them and they always agitated me too violently. Tell me also, oh, philosopher, wast thou very unhappy when I caused thee to be sold?

Plato. I enjoyed in slavery the same tranquillity which thou possessedst at Corinth; but with this difference—I had the happiness of suffering for virtue, by the injustice of a tyrant, and thou wast a tyrant, deposed in disgrace from thy tyranny.

Dion. Go, I gain nothing by arguing with thee. If ever I return to the world, I will choose a private station of life, or I will make myself beloved by the people whom I govern.

The influence of Fenelon's political writings on France has been generally considered powerful, both for good and ill. A living writer of great note has

recently made the following remarks on this subject. "Fenelon, that evangelical and tender genius of the new law, had written his instructions to princes, and his 'Telemachus,' in the palace of the king, and in the cabinet of an heir to the throne. The political philosophy of christianity, that insurrection of justice in favour of the weak, had glided from the lips of Louis XIV. into the ear of his grandson. Fenelon educated another revolution in the duke of Burgundy. This the king perceived when too late, and expelled the divine seducer from his palace. But the revolutionary policy was born there; there the people read the pages of the holy archbishop. Versailles was destined to be, thanks to Louis XIV. and Fenelon, at once the palace of despotism and the cradle of the revolution*."

Fenelon was likewise the author of "Dissertatis de Auctoritate summi Pontificis." This work is intended to show that there is an essential difference between a power of *jurisdiction*, properly so called, whether direct or indirect, and a power of *direction*. The distinction is this. A power of direction is merely the right of determining, as a doctor or casuist, matters of conscience; a power rather of advice than authority. Jurisdiction, on the other hand, is comprehensive, authoritative, commanding, and absolute.

COLBERT'S "Political Testament," 1695, gained some degree of popularity in its day. The celebrated author was prime minister to Louis XIV. The first seven chapters are purely historical. In the other divisions of the work, the writer treats of the power of the papacy, and of other political affairs; but in a very

* Lamartine, "Hist. of the Girondists," vol. i. p. 14.

desultory and unphilosophical manner. He advises the king to cherish the church tenderly; but, at the same time, maintains the distinction between civil and ecclesiastical power. The last portion of the book is occupied with the discussion of the question, as to the kind of conduct a prince should display towards all the various classes of his subjects. This is the most interesting part of the publication*.

There were no publication of any note on Political Economy during the period we are now treating of. The mercantile system, established by the minister Colbert, founded on exclusive principles, prevailed throughout France till the middle of the eighteenth century. PIERRE LE PESANT, published, in 1695, his "Détail sur la France," in which commerce, and money affairs are treated of at some length, and with considerable acuteness and ability. But his views gave great umbrage to the government; chiefly on account of some discussions reflecting on the stringency of feudal rights and ecclesiastical privileges. The author was banished from the country in consequence. A short time afterwards, VAUBAN wrote his "Dixme Royale," in which he propounded a new scheme of national taxation.

In addition to the publications just noticed, of an abstract and argumentative cast, we cannot pass over the lighter productions of French genius, such as satirical works in prose and verse, without saying a word or two on their character and import. Books of this kind were more politically influential in France than in England.

* "The numerous 'Testaments Politiques' of Colbert, Mazarin, and other great ministers, were forgeries usually from the Dutch press."—Disraeli's *Curiosities of Lit.*, vol. i., p. 148

Plato, if we remember rightly, recommends in his republic, that music should be dispensed with, from its fascinating and engrossing influence over the minds of the multitude; and there is likewise a saying, repeated from a modern author, that, provided he had the making of the songs of a nation, he cared little who had the making of its laws. Now, if there be any truth in these declarations, it will certainly apply with redoubled force to the French nation, who are of such a lively and animated temperament, and so powerfully affected by external agencies and sympathies. The popular influence of songs among this people is prodigious. It can only be adequately estimated by a personal knowledge of their habits and character, as these are displayed in places of convivial entertainment and pleasure. A comic or satirical song penetrates the innermost soul of every Frenchman; vivacious, sensitive, and volatile, with an inexhaustible fund of good humour and self-complacency, he enters into every association and feeling which the sense of the ridiculous and comic can make and inspire.

The proverb that men can be more easily ridiculed out of their principles and notions, than reasoned out of them, certainly receives additional evidence of its truth, by a reference to the French nation. Political songs of a satirical kind, have been for ages one of the regularly established instruments of controversial warfare with the government of the day; so much so, indeed, that Champfort defines the old French monarchy to be "An absolute monarchy modified by songs*." The popular songs of Blot, Calle, Panard,

* "Une monarchie absolue tempérée par des Chansons."

and Desaguires form an essential part of the political literature of France before the first revolution. The historian, Claude de Seyssel, in 1519, tells us that political songs were very common in his day. "Les Français," says he, "ont toujours en licence et liberté de parler, à leur volonté de toute sorte de gens, et même de leurs princes, non après leur mort seulement, mais encore de leur vivant, et dans leur présence."

After this period, during the glory of Richelieu, and afterwards of his wily successor, Cardinal Mazarin, the national songs of France were all powerful. They were called the fourth estate of the realm; hence the expression, "Tout fini par des Chansons." The witty and popular effusions lightened for the hour, the pressure of tyrannical power, and soothed the feelings of the people, when under the influence of public excitement. The number of songs which the satirists of the day levelled at the authority and influence of Mazarin, fill, of themselves, several volumes. When I inquired what the people thought of the new edicts He was answered, "Monsieur, le Peuple Chante." "The people sing?" said he; "well, let them sing. Singing breaks no bones. I am glad to find the people so sprightly and happy†."

RABELAIS, born in Touraine, in 1483, has been considered by many writers, as a political satirist. His first work, or rather the first part of it, was published in 1532, entitled "The great and inestimable chronicles of the great and enormous giant Gargantua, containing his genealogy, the greatness and force of his body, as well as the marvellous feats of arms that he did for king Artus; as seen hereafter, newly printed

† "Chronicles de Paris," 1685.

This work, with which there is nothing to compare in the literature of any age or country, underwent considerable enlargement and alterations, in subsequent years, at the hands of its author. To form any idea of it, the work must be read. The general impression among literary men, especially on the continent, has been ever since the book first appeared, that it was a hostile attack upon the political and ecclesiastical polity of France and other countries. Hence the various prosecutions of the author, and the burnings of his book. Motteux and other authors, conceive the *dramatis personæ* of the performance to be, Louis XII., Francis I., Henry II., Cardinal Châtillon, the Cardinal d'Amboise, &c., represented under the names, Grangousier, Gargantua, Pantagruel, Friar John, Panurge, &c. On the other hand there have been some English critics, who have entertained the opinion that the satire of Rabelais is levelled entirely at the world at large, and has little or no allusion to the political and religious institutions and manners of his age and country.

D'ALAIN wrote his "Dialogues Satyriques, pour corriger les Mœurs des Francois," in 1489. The author was notary and secretary to Charles VI. The dialogues touch but slightly on the great public questions of legislation; but they were, nevertheless, of some political import in their day.

LOUIS D'ORLEANS, an advocate in the parliament of Paris, was the author of "Expostulatio," and the "Banquet du Comte d'Arête," 1593-4. These productions were directed against the government of Henry IV., and are of the most severe and caustic kind. He attacks all the leading institutions of the country, and endeavours to impress the public with

the belief, that all is corruption, selfishness, tyranny, and oppression.

BOILEAU's satirical productions occupy a conspicuous place in the history of French literature. He waged a constant but a light and skirmishing warfare with the scholastics of the day; and even the court often smarted severely under the pungency of his pen. His political effusions will be found in the first and second volumes of his works.

The "Satire Menipp" appeared in 1594, and created a lively sensation as a political squib. Its grand aim was to expose the proceedings and doctrines of the *League*; the members of which were then all powerful in Paris. The authorship is ascribed to the joint pens of Leroy, de Thou, Pithou, and Rapin. When this work first made its appearance it was considered a *chef d'œuvre* (four editions having been sold in three weeks), and it is certain that time has not diminished its reputation and value. It is the most curious and useful book extant, for a thorough insight into the true spirit and secret spring of the famous *League*; and is written in a style of delicate and poignant raillery, by a junto of the choicest wits of the time. Rapin says, that their satire surpasses every work of the kind produced for centuries. Voltaire is of the same opinion.

The satirical works in France, directed expressly against the Jesuits, are exceedingly numerous, and generally very severe and abusive. Stephen Pasquier, a native of Paris, was an active enemy against this religious order. He published his "Exhortations aux Princes," 1601; a work of considerable merit. But the publication which gave such mortal umbrage to

the disciples of Loyola, was his "Catechism of the Jesuits;" in which he denounced the fraternity in language the most bitter and reproachful. All their casuistical principles, their ambitious aspirations after absolute power, their duplicity, and their want of real patriotism and love of country, are dwelt upon by Pasquier with inimitable effect and power of invective. The Jesuits, however, showed themselves as great adepts, if not at wit, at least in abuse, as their mortal enemy. About a year after the "Catechism" appeared, Father La Font attacked the satirist. "Pasquier raves," says he, "until some one of our company, or some other individual, for the public good, makes a collection of his ignorance, ravings, stupidities, malignities, and heresies, for to raise him a tomb where he may be confined alive; whither the carrion-crows and the vultures may come from a hundred leagues off, attracted by the smell of his carcase, which men will not be able to approach nearer than a hundred steps without stopping their noses on account of the stench—where briars and nettles grow—where vipers and basilisks nestle—where the screech-owl and the bittern hoot—in order that, by such a monument, those who live at present, and those who shall live in future ages, may learn that the Jesuits have had him for a notable persecutor, calumniator, liar, and mortal enemy of virtue and good people; and that all calumniators may learn not to scandalise, by their defamatory writing, the holy Church of God*."

Nearly at the same time this attack on Pasquier was made, Father Richeome, sent forth his famous tract, called "A Hunt after the Fox Pasquin," published

* "Lettres de Pasquier," x. 5.

under the assumed name of *Felix de la Grace*. The language of this jesuitical effusion is, however, so virulent and offensive, that we must be excused from giving a translation of any part of it. Here is an extract from the work: "Pasquier est un porte-panier, un maraut de Paris, petit galant, boufon, plaisanteur, petit compagnon, vendeur de sonnettes, simple ragage, qui ne merite pas d'être le valet des laquais, belître, coquin qui rotte, pette, et rend sa gorge; fort suspect d'hérésie, ou bien hérétique, ou bien pire; un sale et vilain satyre, un archi-maître sot, par nature, par bequare, par be-mol, sot à la plus haute gamme, sot à triple semelle, sot à double teinture, et teint en cramoisi, sot en toutes sortes de sottises, un grate-papier, un babillard, une grenouille du palais, un clabout de cohue, un soupirail d'enfer, un vieux renard, un insigne hypocrite, renard velu, renard chenu, renard grison, renard puant, et qui compisse tout de sa puante u——e. Fier-à-bras, trompette d'enfer, corbeau du palais, hibou de quelque infernale contrée . . . Catholique de bouche, hérétique de bourse, déiste, et peu s'en faut athéiste de cœur . . . O! que si de toutes les têtes hérétiques ne restait que la sienne, qu'elle serait bientôt coupée! Asne qui chante victoire, et comme un baudet qui pensant avoir atteint son bran, sautille et brait avec son bast, paniers, et clitellés," &c.—*La Chase du Renard Pasquin, decouvert et pris en sa tanière, du libelle diffamatoire, faux, marqué le Catéchisme des Jésuites, par le Sieur Félix de la Grâce*. Villefranche, 8vo. 1603.

CORNELIUS AGRIPPA was called the Diogenes of his day. He portrayed the gentlemen of the French court in no very flattering terms. The following un-

translatable epithets are a specimen of his pen: "Ils sont brigands, enfonceurs de portes, ravisseurs, meurtriers, larrons, sacrilèges, batteurs de pavé, putiers, maquereaux, bordeliers, adultères, traistres, concussionnaires, joueurs, blasphémateurs, empoisonneurs, paricides, boute-feux, pirates, tyrans et semblables qualités," &c.

ALAIN CHARTIER was a noted and pungent satirist of the political principles and follies of the court. It is said he was kissed, as he slept in a chair, by Margaret of Scotland, by way of tribute to his "eloquent lips, which had said so many witty things." The French nobility, who had then all political power in their hands, suffered severely from the pen of Chartier. He says, in one place, "The young lords about court are nurtured in luxuries and dissipation. As soon as they are born, that is, as soon as they learn to speak, they are in the school of gluttony and bad language. Their parents or guardians adore them in the cradle, and train them to forget themselves and every one else. * * * As if they were born only to eat, and drink, and curse, and the people created for the sole purpose of honouring them. Nay, more; for this foolish talk runs now-a-days among the courtiers, that a gentleman ought not to know letters at all. And they hold it a reproach to gentility to be able to read and write well. Alas! what a greater folly can there be, or what more dangerous error to the state, than the making public such opinions and sentiments."

PIERRE PETIT was one of the most objectionable of the French moral and political satirists of his day. He was severely punished for the publication of his

POLITICAL LITERATURE OF FRANCE.

"insults," having been, though only a youth, put to death about the year 1650.

"Le Poète sans Fard," 1696, by GACON, is a curious collection of satirical pieces. The work, in two volumes, created a great sensation on its first appearance; but the public authorities soon pounced upon it, and its author was sent to prison.

The following works are interesting:—DURANT'S "Libelle contre les affaires du Temps;" "L'Esprit du 14.," and GARNO'S "Journal," 1653.

THEOPHILE published in 1660, "La Parnasse des Poëts Satyriques." It was a very curious work. It was ordered by the government to be committed to the flames; and the author's effigy along with it. He did not, however, altogether escape punishment; for the parliament of Paris afterwards seized him, and sentenced him to banishment.

CYRONO BERGERAC was a satirical writer of some note. His "Voyages Imaginaires," are said to have furnished Swift with some hints for his *Gulliver's Travels*.

EUST. NOBLE published his satirical production against the natives of Holland, in his "Dialogue d'Esopé et de Mercure," 1689. The work was publicly burned at Amsterdam. The author was Attorney-general to the parliament of Metz. The satirical production, "L'Esprit de Gerson," is likewise attributed to the pen of Noble.

There are few publications in France, at this period, to which mankind owe deeper obligations, than to the "Provincial Letters" of PASCAL. The first collected form of these epistles, was published in 1657, under

the title of "Lettres Ecrites par Louis de Montalte, á un provincial de ses amis, et oux R.R.P.P. Jesuites, sur la Morale et la Politique de ces Pères."

These celebrated effusions took their rise chiefly from religious disputes; but they had a direct reference to the entire moral and political philosophy, adopted by the jesuits. Of the nature of this philosophy, we shall speak afterwards; but, in the meanwhile, we shall be constrained to make some general allusions to it, that our observations on these productions may be fully understood.

These letters sprung from the institution of Port-Royal, near to Paris—a place rendered famous throughout the world in the history of literature, religion, philosophy, and even of politics. The most distinguished members of this society were, St. Cyran, Arnauld, D'Audilly, Nicole, Le Maistre, Lacy, Fontaine, and Pascal. The circumstances which gave birth to these letters were briefly these. A Dr. Jansens, bishop of Ypres, wrote a work which was not published till after his death, entitled "Augustinus;" a sort of epitome or digest of the opinions of St. Augustine, on the doctrine of grace. This work gave rise to the Roman catholic sect, called the *Jansenists*. It was condemned by the Sorbonne, and the jesuits generally. Hence the deadly enmity which sprung up between the contending parties. Ecclesiastical proceedings were taken by the pope against the Port-Royal. St. Cyran, its abbé, was sent to prison by Cardinal Richelieu, where he was confined five years, and died a few months after his release. Anthony Arnauld was the next victim; a man of singular talent and indomitable courage. In consulting with his

friends, Nicole, Pascal, and others, as to his defence, it was resolved that Arnauld should undertake a general vindication of himself and the institution. This was done; but it did not seem to be relished by his friends so heartily as he anticipated. He, consequently, withdrew the document; and, addressing Pascal, said, "You, who are young, why cannot *you* produce something?" The appeal was responded to; Pascal retired to his room, and, in a few hours, produced the sketch of the first of these "Provincial Letters;" on seeing which, Arnauld exclaimed, "That is excellent! that will go down; we must have it printed immediately."

The first letter appeared on the 13th of January, 1656; and the remaining ones, eighteen in number, at irregular intervals, during fifteen months. They were published in separate sheets, of a quarto size; and most all of them were comprised within eight pages. They went under the name, at first, of the "Little Letters;" and were published anonymously, under the fictitious signature of Louis de Montalte. The most profound secrecy as to their authorship was observed; and it was not till Pascal was on his death-bed that he was known to be the writer of them. We have been subsequently informed that the author took remarkable pains in writing all the letters save the first. His friend Nicole, to whom they were occasionally submitted for correction and enlargement, says that Pascal "was often twenty whole days on a single letter; and some of them he recommenced seven or eight times before bringing them to their present state of perfection. He wrote over the last letter no less than thirteen times*."

* "Hist. des Provinciales."

Nothing had hitherto appeared in Europe equal to the interest excited in the public mind by the publication of these letters. They were circulated in countless thousands throughout France. The Society of Jesuits were filled with alarm and consternation. As everybody read the "Little Letters," a jesuit became an object of universal derision and contempt. "The persecution," says one writer, "which the jesuits suffer from the buffooneries of Port-Royal, is perfectly intolerable. The wheel and the gibbet are nothing to it; it can only be compared to the torture inflicted on the ancient martyrs, who were first rubbed over with honey, and then left to be stung to death by wasps and wild bees. Their tyrants have subjected them to empoisoned raillery, and the world leaves them unpitied to suffer a sweet death, more cruel in its sweetness than the bitterest punishment*." The style and treatment of the subjects were so popular, that they were level to the lowest capacity. "I conceived it," says Pascal, "my duty to write so that my letters might be read by women, and people in general, that they might know the danger of all those maxims and propositions, which were then spread abroad, and admitted with so little hesitation."

The English political reader will certainly experience something like disappointment on reading these far-famed "Letters," on finding so little in them which bears directly upon the general science of civil polity. Abstract principles of government, and the papal dogma of absolute supremacy, are but seldom hinted at, and seem to have been topics which the sensitive mind of the author, considering himself a member of

* Father Daniel.

the catholic church, shrunk from investigating. But we must not test him by these apparent omissions. The great merit of the "Letters" lay—and indeed lies at this hour—in their attack upon the broad principle of infallibility; upon the hollowness of those casuistical reasonings, commonly adopted by theological writers, for justifying political measures of a questionable and pernicious tendency; and, above all, upon that governmental theory which is adopted and advocated by the Society of Jesuits in every country where they can gain a footing. These are the several points of attack which made these writings popular, and considered so politically important to every well-regulated community in Christendom.

The French Theatre was an organ of political expression. It was established about the year 1400; but its representations, for a full century and a half, consisted almost entirely of religious mysteries. In the progress of general literature, political opinions were gradually introduced to stage audiences, who seemed to have relished them keenly. In 1552, the theatre underwent a change, chiefly through the instrumentality of Jodelle. Historical events were more generally dramatised, and a wider range for political feelings was opened up to the play-going portion of the nation.

There were a great many very curious and interesting caricatures published in Paris during the greater part of the seventeenth century. The chief of these were descriptive of national hatreds and animosities, occasioned by the changeable positions of different countries by political circumstances. The *badauds* of Paris amused themselves with representations of the

Spaniard taking an emetic, to make him disgorge all the cities which his arms had taken. Seven or eight Spaniards are depicted seated round a large turnip, with their frizzled mustachios, their hats *en pot-a-beurre*; their long rapiers, with their pummels down to their feet, and their points up to their shoulders; ruffs stiffened by many rows, and pieces of garlick stuck in their girdles. The Dutch were exhibited in as great variety as the uniformity of frogs would allow." There were likewise many caricatures ridiculing the English, the Austrians, and the Germans. There were a great number done on wood and circulated throughout France by the protestants, representing the Romish faith in every conceivable fantastic shape. They excited great attention at the time of their publication. There are private collections of these satirical publications, but only to be found here and there throughout France.

About the year 1625, newspapers were established in Paris. The first speculator in this line, was one Renaudot, a physician, who found it favourable to his professional purposes to tell his patients the news of the day. His scheme succeeded; and he obtained a government privilege for publishing news in 1632. The journals were not, however, of any political moment, till a considerable period after the close of the century. "Le Mercurie Francois," was published in 1648, in twenty-five volumes*.

* See Note C, at the end of the volume.

IV.

POLITICAL LITERATURE, FROM THE YEAR 1400 TO 1500.

THE reform writings of Germany, which appeared after the movements of Luther and Zuinglius, soon found their way into Italy, and the political opinions they contained, mixed as they were with religious matters, began to make an impression even under the very walls of Rome itself. Protestant churches were formed in Naples, in Ferrara, in Mutina, in Mantua, and in Venice. These religious bodies carried with them a certain portion of the liberal and enlightened political principles of the Reformation, and induced writers and thinkers to study the nature of civil polity, and government authority and power*.

The revival of letters in Italy, in the fifteenth century, naturally awakened its more thoughtful inhabitants to its social and political institutions, in bringing before their minds, in all the different republican cities and territories of the country, the many brilliant events and exploits recorded of the Grecian republics. There were, however, many important differences be-

* Gorde's "Specimen Italice Reformatæ."

tween the public mind of Greece, and the modern Italian intellect. In the former, the ordinary feeling of the people, in the appreciation of political truth, was under the direct influence of the vague and fabulous notions of pagan theology, and regulated in a sphere where the hopes and duties of citizens were not supported by any solid or elevating conceptions of man's nature and destiny. In the latter case, we find on the revival of letters, that the great truths of revealed theology were every way recognised, and the political institutions of Europe had been for ages moulded in conformity with its spirit and doctrines, considered as a political code. This circumstance alone made an important difference in this modern or renewed contemplation of Grecian philosophy. It came in direct contact with long and firmly established systems of polity, founded, in a great measure, on dogmas foreign to its spirit, and antagonistic to its tendency. The kingly power of Greece was a very different thing from the Roman hierarchy, and the democracies of the Italian cities from the democracies of Sparta or Athens. The condition of European society did not allow the ancient political tenets to be estimated solely on their intrinsic and abstract merits. The consequence was, that when the Grecian politics had to be again developed to altogether different audiences, and tried by altogether different tests, they were submitted to a rigid and varied interpretation; and they only gained a conditional approval, and were assigned a subordinate position in the human understanding, to the christian element of modern civilisation and progress.

This state of things led the Italian philosophers, at

the revival of learning, to view the Grecian system of polity through variable and often opposite mediums. Those who were inimical to the papal power, both temporal and spiritual, as it was then administered, aimed at strengthening its hands, by descanting on the superiority of the christian principle; while, on the other hand, the zealous supporters of the papacy, with all its anomalies and corruptions, made light of the newly imported Grecian knowledge, and estimated its value at a low figure.

But, besides the theological element acting in great vigour in the Italian states, there were other social and material considerations which influenced, at this period, the minds of the commentators on Grecian political philosophy, and gave a peculiar tincture to many of their speculations and decisions as to its general character and merits. There were novel and powerful principles coming into full play on the public mind of Europe. The gradual decline of feudal authority, the abolition of slavery, the enfranchisement of cities, the creation of municipal institutions, the increasing wealth of commercial towns, and the activity, public spirit, intellectual culture, and independent thought;—all these conspired to create and foster a desire for change; they presented themselves as vital elements to guide the philosophic judgment as to the importance and merits of all ancient systems of legislation. Politicians came to the study of the old codes of government, with such a varied and enlarged stock of scientific materials, that their individual opinions, on the respective systems of the Grecian sages, could not be otherwise than variable and conflicting. And this was actually the result. It arose from this pecu-

liar state of public feeling and progress, as to the great principles of personal freedom and political right.

GEMISTUS PLETHO, 1440, was an enthusiastic admirer of the Platonic philosophy, and a zealous opponent of the Aristotelian system. In his three books on "Legislation and Laws," he endeavours to embody all he thought useful in the views of his master on these subjects; but, notwithstanding Pletho's antipathy to Aristotle, he borrowed a great deal from him in those parts of the Grecian's works where the general foundation of legislative power, and the various physical agents that modify laws, are discussed. The political ideas of Pletho, on the whole, are enlightened, and fully maintain his reputation as an able and learned man.

MARCILIUS FACINUS, 1480, was of the same philosophical school as Pletho, and equally enamoured with the Platonic notions of general government. The opinions of Facinus on this subject will be found in his letter "On Law and Justice," which contains a very concise epitome of the notions of the leading Greek philosophers on these points.

LAURENTIUS VALLA was a distinguished writer, and his sentiments on political subjects are of the most enlightened and liberal character. His love of civil liberty exposed him to the despotism of his day, and he was condemned to the flames, but was saved by the protection of Alphonsus V. of Arragon. Laurentius, about 1450, attacked the Church of Rome, in reference to the donation of Constantine. By many writers, he has been considered as one of the precursors of the Reformation.

DONATUS ACCIAIOLI, 1490, who studied philosophy under the celebrated teacher John Argyropolus, wrote a commentary on the politics of Aristotle, in which he examines with great care the leading principles of the Grecian commonwealths. Acciaioli throws little or no additional light, however, on the general subject of legislation.

GOLDASTUS' work, "*Monarchia Sacri Romani Imperii*," is an important one in a historical point of view; inasmuch as it treats of a number of writings, from Gregory VII. downwards, professedly defending the rights of sovereigns in opposition to the pope's temporal supremacy. This work throws scarcely any light on the essential principles of the controversy; but it shows the nature of it, and under what circumstances, at particular periods of history, it was carried on.

NICHOLAS MACHIAVEL. — "*The Prince*;" "*Discourses on the first ten Books of Livy*," 1510. The most important political writer of this period was Machiavel, whose "*Prince*" has, subsequently, been the subject of lengthened discussion. No small degree of haziness hangs over it, both as to its merits, and the precise motives of the author. Many have considered it only as a satire upon bad government; while others again, and especially the critics of modern times, have given Machiavel credit for sincerity of purpose, but think his object was to curry favour in certain political quarters, with a view to rescue himself from the state of pecuniary embarrassment in which he was then placed. But whatever may have been his motives, certain it is that the work is a splendid one in point of genius. There is a depth of thought and a facility of

illustration which cannot be found in any political writer of his own day. He must have had a most accurate knowledge of the art of government, *as an art*; as well as an intimate acquaintance with all the speculative theories of ancient times. Everything displays the hand of a master. There is nothing too comprehensive for the grasp of his mind, nor too intricate for his practical skill to unravel. The political principles on which the "Prince" is based, are expediency in its worst and most revolting forms. Stability of government is the grand object to be attained by the legislator. No matter about the means; power must be triumphant. Good faith, justice, rectitude of intention, religion, and morality, should be apparent instruments in the hands of a politician; but all or any of these may be dispensed with on particular public exigences*.

The first part of the "Prince" is taken up with a discussion on the different kinds of governments and principalities. Throughout these discussions there may be found some very shrewd and profound remarks upon the general principles of legislation; but there are also many observations which will produce an unfavourable impression upon the minds of the generality of readers.

On the use and treatment of Colonies he has the following remarks:—"And it is to be observed that men are either to be flattered and indulged, or utterly destroyed; because for small offences they do usually revenge themselves, but for great ones they cannot; so that injury is to be done in such a manner as not to

* Chaps. 10 & 18.

fear any revenge. * * It is very obvious, and no more than natural, for princes to desire to extend their dominion, and when they attempt nothing but what they are able to achieve, they are applauded, at least not upbraided thereby; but when they are unable to compass it, and yet will do nothing, then they are condemned, and, indeed, not unworthily."

The general principle which Machiavel draws from his remarks on principalities is, "*That whosoever is the occasion of another's advancement, is the cause of his own diminution*;" because that advancement is founded either upon the conduct or power of the donor; either of which becomes suspicious at length to the person preferred."

In treating of those princes who have arrived at power and dominion by improper and unjustifiable means, the author observes, "That he who usurps the government of any state, is to execute and put in practice all the cruelties which he thinks material, *at once*, that he may have no occasion to renew them after; but that, by his discontinuance, he may mollify the people, and by his benefits bring them over to his side."

Machiavel's notion of the nature of church power and property is of the most absolute description. But this opinion is nothing more than what might have been expected from him, considering the times and circumstances under which he lived. He says, "There remains nothing of this nature to be discoursed of; but of ecclesiastical principalities, which the greatest difficulty is to get into possession; because they are gained either by fortune or virtue, but kept without either, being supported by ancient statutes universally re-

ceived in the christian church, which are of such power and authority, they do keep their prince in his dignity, let his conversation and conduct be what it will. These are the only persons who have lands and do not defend them, subjects and do not govern them ; and yet their lands are not taken from them though they never defend them, nor their subjects dissatisfied, though they never regard them ; so that these principalities are the happiest and most secure in the world ; but, being managed by a supernatural power above the wisdom and contrivance of man, I shall speak no more of them, for being set up and continued by God himself, it would be great presumption in any man who should undertake to dispute them."

In the "Prince" we find the following sentiments, among others of a like stamp. "It has been sometimes asked, whether it is better to be loved than feared ; to which I answer, that one should wish to be both ; but, as this is a hard matter to accomplish, I think, if it is necessary to make a choice, that it is safer to be feared than loved. For it may truly be affirmed of mankind in general, that they are ungrateful, fickle, timid, dissembling, and self-interested ; so long as you can serve them, they are entirely devoted to you ; but in the day of need they turn their back upon you. The prince who relies upon professions, courts his own destruction. * * * Men are generally more inclined to submit to him who makes himself dreaded than to one who merely strives to be beloved. * * * When a prince is at the head of his army, and has under his command a multitude of soldiers, he should make little account of being esteemed cruel."

There are some curious, and sometimes valuable observations in the "Prince," on the obligation of kings to keep all their public promises to their subjects; and to avoid the very appearance of anything like bad faith and insincerity. The author's remarks are particularly just and forcible in that portion of the treatise which points out the striking influence which the moral conduct of a prince exercises over the morality of a nation. He inculcates the necessity of all rulers keeping the maxims of morality and prudence perpetually before their eyes.

The "Discourses" of Machiavel upon the first ten books of Livy, are very excellent, considered as literary productions. They are divided into three books, and 143 chapters. His main purpose is, to show how a republic may be supported, and what are the general external and internal agencies which threaten its dismemberment. There is a warm love of freedom breathing throughout the work. Filippo Nerli tells us, in his "Commentaries," that Machiavel was induced to publish these "Discourses," and likewise the "Art of War," by a number of young men who were in the habit of cultivating his friendship in his garden at Florence, and who had imbibed extreme republican principles from the writings of the Grecian philosophers. His chief aim in the seven books of the "Art of War," is to point out to his countrymen how they would best be able to effect their political freedom. This was not to be accomplished by mercenary troops, but by the judicious organisation of an infantry militia. Machiavel in his twelfth, thirteenth, and fourteenth chapters, raises his voice against the employment of mercenary soldiers. He points out, most

faithfully, the disastrous consequences which have generally followed from their use. A national militia is the only military force a nation should employ, if it wishes to preserve its civil and political liberties unimpaired.

Both these treatises, considered as the developments of political theories, are defective in a most essential particular. The author reasons from one state of things to another, of an entirely different character. He attempts to apply the political and military system of ancient Rome, to the Italian kingdoms and principalities of his own day. Nothing could be more fallacious in practice.

Machiavel published a work, 1519, upon a reformation of the state of Florence, in which he recommends to the reigning pontiff, Leo X., the restoration of the republican form of government to this city.

The political writings of Machiavel have engaged the learned of every European country, for more than two centuries, in a controversy as to his own precise opinions, and what were his intentions in giving them to the world. The judgments of critics on these points are very various and conflicting. Some say that Machiavel plainly intended to instruct tyrants in the arts of cruelty and oppression. We believe this opinion originated with Abrosio Catarino, and other Italian writers of the church, who uniformly denounced the writings of Machiavel, and considered him a gross perverter of social and political morality. In modern times we have Peter Bayle and Frederic the Great, who wrote a work entitled "*Anti-Mechiavelli*," expressing the same opinions. Other critics again, look upon his

works as severe satires upon bad princes and governments. But this notion is held to be untenable from the grave and serious tone in which the "Prince" is written, and from the total absence of anything like a satirical vein of thought. Some steer a middle course, and consider the politics of the author as containing many valuable and profound maxims for the general guidance of all princes and rulers, but nevertheless infected with that licentious tone of morals so characteristic of the times in which he lived. This theory is again renounced by those who look at the well-weighed and thoroughly understood manner in which the principles of the writer is laid down. He could not have been the dupe of any such corruption of the times as is here supposed. A fourth class of critics say that Machiavel's politics were the offspring of pure scientific curiosity and illustration; that he discussed the questions as matters of abstract science, without considering in what relation they stood to other questions of moral obligation and rectitude. This we think the most untenable of all the theories we have noticed—being at once the most derogatory to both the author's head and heart.

Albericus Gentilis says, "Machiavel, a warm panegyrist and keen assertor of democracy, born, educated, promoted under a republican government, was in the highest degree hostile to tyranny. The scope of his work, accordingly, is not to instruct tyrants; but, on the contrary, by disclosing their secrets to their oppressed subjects, to expose them to public view, stripped of all their trappings." He afterwards adds, that "Machiavel's real design was, under the mask of giving lessons to sovereigns, to open the eyes

of the people; and that he assumed this mask in the hope of thereby securing a freer circulation to its doctrines."

Sismondi, in his "Literature of the South of Europe," says, "The real object of Machiavel cannot have been to confirm upon the throne a tyrant whom he detested, and against whom he had already conspired; nor is it more probable that he had a design to expose to the people the maxims of tyranny, in order to render them odious. Universal experience made them at that time sufficiently known to all Italy; and the infernal policy which Machiavel reduced to principles, was, in the sixteenth century, practised by every government. There is rather, in his manner of treating it, a universal bitterness against mankind; a contempt of the whole human race, which makes him address them in the language to which they had debased themselves. He speaks to the interests of men, and to their selfish calculations, as if he thought it useless to appeal to their enthusiasm or to their moral feelings."

The reader will do well to peruse the *apologetical* letter of Machiavel, sent to his friend Zenobius, in which he undertakes to clear himself of the charges brought against him, as to his favouring democracy, and inculcating opinions inimical to the happiness and judicious government of states*.

UBERTO FOGLIETTA.—"Della Repubblica di Genova," 1559. This is a work on the republican government of Genoa, which at the time of its publication attracted great attention, and caused the author to be banished from the city, and to have all his property confiscated.

* See "Harleian Miscellany," vol. i. p. 55.

The object of the publication is to show the manifold and glaring abuses of political power exercised by the nobles in this republican city, and to insist on a more democratic distribution of civil and political influence among the mass of the citizens. Contemporary with this author was BARTHOLOMEW CAVALCANTI, a Florentine noble, who wrote his "Best Forms of Republics, Ancient and Modern," in 1566. This is considered an able performance, and has gone through many editions. He borrows several of his principles and illustrations from the political works of Aristotle. We may here notice, in passing, the "Breve Institutione de l'Ottima Republica," 1578, of DENORES. It consists of a general dissertation on the nature of republican constitutions, considered more immediately in relation with the leading principles of morality, and intellectual cultivation.

The abstract speculations on morals and metaphysics, so zealously cultivated in Italy, had, of themselves, a very powerful effect in rousing the thinking mind of the people to the general principles of political science. Their intellects were strengthened for discussing questions, removed from the ordinary affairs of life. There was an abundance of materials in every direction for political examination. Their country was divided into many distinct republics or commonwealths, displaying a great diversity of legislative principles, commercial policy, and municipal institutions. These were the visible models by which political theories could be illustrated and tested. Many of the speculative spirits of this age of Italian thinking directed their inquiries into the nature of societies, and composed works on several forms of government, which their own country


brought immediately before their notice. Fired by the genius of ancient Greece, and the principles of her philosophy, they essayed to throw great light on the entire science of politics, from their newly acquired knowledge, and their own national resources of historical facts. Though their disquisitions on governmental relations were necessarily circumscribed, they were yet interesting; and exercised no small degree of influence on the general mind of the age.

In the sixteenth century there was an academy formed in Venice for the especial cultivation of political knowledge; and chiefly through the means of instituting comparisons among the four great Italian republics. Morosini, Sabellico, Davantino, and the Cardinal Contarini, entered into a minute analysis of the Venetian constitution; pointing out all its peculiarities, excellencies, and defects. Giannotti executed the same task in reference to the government of Florence. Foglietta treated of Genoa. Erizzo aimed at a more comprehensive and general treatment of political science, by pointing, with considerable clearness and ability, to these universal principles of legislation, which must, in every case, be reduced to practice in all forms of society. Cavalcanti, in his "Discourse on Republics," gives a general summary of the opinions of Plato, Aristotle, and Polybius on this topic. Strozzi attempted to supply the ninth and tenth books of Aristotle's "Politics."

In 1504, the "Politics" of Aristotle were translated by Leonardo Aretino.

CARDINAL ROBERT BELLARMIN is one of the most prominent personages connected with the philosophical literature of papal authority. He was a native of

Tuscany, and born in 1542. He belonged to the order of Jesuits. The great literary and political work of his life-time is, "A Body of Controversy," written in Latin, with great perspicuity of language, and methodical arrangement. To give anything like an outline of this famous treatise is impossible in a work like the present. Suffice it to say, that he displays the most profound scriptural learning, and the most thorough acquaintance with all the doctrines and usages of the church, from the earliest times of her history to his own day. The practice he follows in the illustration and development of his opinions is, not to place them upon purely abstract grounds, but to treat of them in reference to the known practice and sentiments of the church, as these are made known to us from historical authorities of unquestionable credit. This mode of warfare has always been more or less perplexing to his antagonists of all denominations; for his general principles being hemmed around with an authority, which all christians more or less are bound to acknowledge and respect—the authority of the church herself—all his enemies came to the contest, fettered by partial admissions of the truth of his statements and views. And it speaks not a little for both the ability and impartiality of Bellarmin, that his general doctrines met with the approbation of neither of the two great parties of Christendom. His maxims on the right of the popes to rule over and depose princes, caused his work to be condemned at Paris; while, on the other hand, the Court of Rome was so dissatisfied at his short-comings on papal authority, and particularly from his making that authority derivative, and not primary, that Sixtus V. placed the



work of Bellarmin among the prohibited books of the kingdom. It speaks no small things for his ability as a writer, that two centuries and a half have now nearly run their course since his book first made its appearance; and it is, at this hour, by far the most able and candid defence of the Roman hierarchy yet in existence. He left little or nothing for others to do after him. The best edition of his works is that of Prague, in four volumes folio.

Bellarmin's theory of papal political authority, though one which Rome at that time required, was, nevertheless, not less effective for the practical purposes of the Holy See. Bellarmin conceived that the pope's ecclesiastical power was *immediate* and *direct*; but his political authority was only *mediate* and *indirect*. This distinction gave rise to a good deal of refined, but unsatisfactory, reasoning and discussion. The great point to settle in the controversy was, whether the *indirect* authority which the pope claimed the right to exercise over states and kingdoms, was a supreme and final one; for if this were affirmed, then the distinction amounted to nothing. The power of the popedom was as great and absolute with the indirect or mediate, as with the *immediate* or *direct*.

This view of Bellarmin's doctrine is scarcely in unison with his unqualified declaration that "The language of the church, *i. e.* of the council or of the pope, when speaking from his chair, is not the language of man, *i. e.* language liable to error, but rather the language of God*."

* "Verbum ecclesiæ, *i. e.* concilii vel pontificis docentis ex cathedra non est verbum hominis, *i. e.* verbum errari obnoxium, sed aliquo modo verbum Deo, *i. e.* prolatum assistente et gubernate Spiritu Sancto."—*De verbo Dei*, iii. 10.

On the foundations on which the liberties of mankind rest, the cardinal is by no means to be classed with writers of a despotic cast. He maintains that the secular or civil power of every state is purely the institution of man. The power rests with the people, unless they bestow it upon a prince or a king. This power is immediately in the entire body of the nation, as in the subject of it; for this power or right is in the divine law, though this divine law has not conferred it on any particular man, or class of men. * * * When the positive law is removed, there is no reason discoverable why amongst the mass of the people, who are equal, one rather than another should bear rule over the rest. Power is transferred or imparted to one man, or to more, by the same law of nature; for the commonwealth, in its aggregate character, cannot of itself, exercise this power; but is by necessity of the constitution of things, obliged to bestow it on some one man, or set of men. * * * It depends entirely on the consent of the multitude to ordain over themselves a king, or consul, or other magistrates; and if there be a lawful cause, the mass of a nation have the right and power to change the kind of government from an aristocratic to a democratic stamp. And the general reason for all this, Bellarmine stated to be, that God hath given or ordained power, which is evident from the scriptures; but the deity has given it to no particular person, because by nature all men are equal; therefore he has given power into the hands of the people at large.

CHARLES SIGONIUS was a learned Italian politician, born at Modena, in 1524. His "*De Republica Hebræorum*," "*De Republica Atheniensium*," and "*De*

Regno Italiæ," are all works of a profound and philosophical cast. A little after this we have GALGAGNINI'S "Politics of Aristotle," 1544, wherein he analyses the political principles of the Grecian philosopher, and shows the defects and excellencies of his entire system of polity. In 1561, FRANCISCO SANSOVINO, published his "Del Governo de Regni e delle Repubbliche antiche e Moderne," a very readable work considering the period when it was written.

THOMAS BOZIO.—"De Imperio virtutis, sive imperia pendere a veris virtutibus, non a simulatis libri duo adversus Machiavellum," 1594. "De Antiqua et nova Italiæ statu." This author was a clergyman, and was born in the year 1530 at Engubio, a village in Italy. He was deeply and accurately skilled in history; and had prepared a work in six volumes, called "Annals of Antiquity;" but he died at an early age. The above treatises are of a controversial nature, and are directed against the political principles promulgated by Machiavel. These works are worthy of an attentive perusal.

GIANNOTTI and CONTARINI each wrote treatises, about 1550, on the Republican Constitution of Venice. They are instructive and able works of their class.

LUCIO PAOLO ROSELLO, 1551, wrote his "Il Ritratto del vero governo, del principe del l'esempio vivo del gran Cosimo de Medici." It is a work worthy of perusal, but contains little that has any striking bearing on the main principle of government.

GIOVANNI BOTERI.—"Della Ragione di Stato," Milano, 1596. There are many observations worthy the notice of the politician interspersed throughout this small volume. Those chapters which treat of the

public good, of religion, and the natural fertility of the soil, will prove the most interesting to the theoretical statesman. This jesuit, true to the principles of his order, adopts some of the loose principles of Machiavel, and affirms that the preservation of a government ought to be the grand object of a prince; and that should any danger threaten his power, he should immediately crush it with as much secrecy and silence as possible.

PAOLO PARUTA.—“*Discorsi Politici*,” Venice, 1599. This work contains many excellent and profound reflections on politics, and its general tone is liberal and enlightened. The author shows his accurate knowledge of Grecian speculation. The book will afford a fair portion of interest and instruction to the general reader.

THEOPHILUS PAUL SARPI, 1605, published his famous work “*Delle Materie Beneficiarie*,” which embraces a profound but clear examination into the nature or tenure of the rights, revenues, and privileges, of the clergy. Mr. Hallam observes, that “Except the first book of Machiavel’s ‘*History of Florence*,’ I do not remember any earlier summary of facts so lucid and pertinent to the object. That object was, with Father Paul, neither more nor less than to represent the wealth and power of the church as ill-gotten and excessive. The treatise on benefices led the way, or, rather, was the seed thrown into the ground that ultimately produced the many efforts both of the press and of public authority to break down ecclesiastical privileges*.”

SQUITINIO wrote his “*Della Liberta Veneta*,” in

* “*Lit. of Europe*,” vol. iii. p. 42.

1612. It has now become an exceedingly rare book. It contains important statements as to the origin and extent of Venetian freedom; and cannot fail to prove both useful and interesting to those who wish for minute information on the Italian Republics. About the same time SAPIO CHIARAMONTI published his "Della Ragione di Stato;" a very learned and useful work.

The political philosophy of THOMAS CAMPANELLA, 1623, is contained in his "Realis Philosophiæ," which is divided into four portions, of which *politics* forms one. His "City of the Sun," is likewise appended to this treatise. The author informs us that it was originally written in the Italian language, and afterwards translated into Latin. The "City of the Sun" was a great favourite with him, and he affirms that it contains more interesting and valuable matter on the science of government generally, than Plato's "Republic," or the writings of any other person. In this high opinion, he is somewhat borne out by the testimony of other writers. Gabriel Naudé maintains that this imaginative piece is full of new and sublime sentiments, and the philosophical speculations on politics, as a science, contain many views by which the governors of commonwealths in general might be greatly benefited. Herman Conringius likewise speaks highly of this production of Campanella's, in his "De Civili Prudentia."

The author's "De Monarchia Hispanica Discursus," was written during his confinement at Naples, and is a work of great intellectual merit. It was several times reprinted during the protectorate of Cromwell, under the following title:—"A Discourse touching the Spanish Monarchy, wherein we have a political glasse

representing each particular country, province, kingdom, and empire of the world, with ways of government by which they are kept in obedience, written by Thomas Campanella, and newly translated into English according to the third edition of his book in Latin," London, 1654, with a preface by the translator, giving a notice of Campanella's adventures. The work was reprinted after the Restoration, under this title: 'Thomas Campanella, an Italian Friar, and second Machiavel, his Advice to the King of Spain for attaining the Universal Monarchy of the World, particularly concerning England, Scotland, and Ireland, how to raise division between King and Parliament, to alter the government from a Kingdom to a Commonwealth, also for reducing Holland and other seafaring countries, &c., with a Preface by William Prynne of Lincoln's Inn." The following extract will serve to give some idea of the tenor of the work, which was written towards the end of Elizabeth's reign:—"My opinion is that the King of Spain should do well to employ under-hand some certain merchants of Florence that are wise and subtle persons, and that traffick at Antwerp, who (because they are not so much hated by the English as the Spaniards are) should treat with some such of the English as are some way or other descended from some of the former kings of England, and should promise each of them severally (no one of them knowing anything of what is said to the others) all the possible aid that can be from Spain, for the restoring of them to their inheritances. . . . Let him also send privately to King James of Scotland, and promise him that he will assist him to the utmost of his power in his getting possession of the kingdom of England,

upon this condition, that he shall either restore there again the Catholic religion, or at least that he shall not annoy or any way disturb the Spanish fleets from the West Indies. Again, on the other side, let him under-hand labour with the English peers, and other chiefest of the Parliament, and egge them on to endeavour to reduce England into the form of a republic. The English bishops are also to be exasperated and put into fears of the advent of King James and his Scots. . . . The chiefs of the Irish nobility are also to be dealt with, so that as soon as they hear of Queen Elizabeth's death, they should new-model Ireland, either into the form of a republic, or else make it into a kingdom of itself, throwing off all obedience to England, withal promising aids to each of them in particular, and that so much the rather, because in that kingdom or island the catholics, and especially the friars that are of the order of St. Francis, are very greatly esteemed and beloved. There is also much greater agreement and correspondence between the Spaniards and the Irish than betwixt them and the English, whether it be by reason of the similitude of their manners, or also by reason of the clime, and the nearness of these two countries one to the other. There are also in Ireland many vagabond persons, and such as have fled their countries, being men that are most impatient of government, and yet are good catholics, and such as may be able to do good service in this kind, as hath been shown already. But this sort of men is not very rare to be found, either in England or Scotland also."

Campanella was a zealous cultivator of philosophy; and some of his tenets not proving altogether satisfac-

treatises of a political nature. The one was in favour of the principles of papal government, from which he had suffered so severely, and entitled, "*Monarchia Messiae, ubi, per philosophiam divinum et humanam demonstrantur Jura summi Pontificia super universum Orbem.*" The other publication was called "*Discorsi della Liberta e della Felice suggezione allo Stato Ecclesiastico.*" These works did not, however, obtain him peace and quietness. He became again an object of suspicion. The pope urged his flight into France, and gave him a letter of introduction to Cardinal Richelieu, who procured him a small pension from Louis XIII. He died in the convent of the Jacobins, Paris, in 1639.

Campanella is one of the most singular political writers of his times. He is full of contradictions and riddles. What his real intentions were as to government matters, it is impossible now to say. His long and severe imprisonment would argue that his views must have been hostile to the ruling authorities of the day; but then again, he zealously laboured to enforce principles which went immediately to the root of all freedom and social improvement. He seems an uncompromising advocate for papal power; yet he demands that it should be placed on an enlightened principle of discussion and general intelligence—two things very antagonistic in their nature. He always thought the freedom of political sentiment in England was a formidable obstacle to the carrying out his theories. He has several schemes for repressing this freedom, as we have already noticed. He says, "No better way can possibly be found than by causing divisions and dissensions among them (the English), and by con-

July, 1613." It is the opinion of this author that the causes of the wealth or abundance of money may be referred to two sources—general and particular. The general comprehend four, namely, abundance of manufactures, the character of the inhabitants of a country, the extent of commerce, and the wisdom of the government. The particular circumstances are, the fertility of the soil, and the advantages of geographical position. This writer gives the preference to manufactures above agriculture; and the reason he assigns is, that the former are susceptible of an indefinite extension.

After Serra, we have the writings of TURBOLO, of Naples, whose notions on money are well-known. His chief treatise is called "*Discorsi e Relazione sulle Monete del Regno di Napoli*," 1616, 1618, 1623, and 1629. Another author of Modena, GEMINIANO MONTANARI, wrote a work, 1680, entitled "*Trattato del Valore delle Monete in tutti gli Stati*;" in which he lays down, with great precision, certain principles for the regulation of the currency of the kingdom.

The satirical works of a political and social cast, are very numerous in Italy, and form an important and bulky portion of its general literature. Here, as in many other sections of Europe, the popular song, and ephemeral squib, were often powerful for the hour; and excited the indignation and wrath of the ruling powers. It was a bold and perilous undertaking to lash the vices and oppressions of the times; but there were always a few witty and restless spirits, who, regardless of personal dangers, rushed into the combat and lampooned and satirised all grades of authority, from the crowned head, to the meanest public functionary of the state.

matic effusions. When Maximilian was a prisoner at Bruges, in Belgium, the people there thought of cutting off his head. He wrote to the senate of Venice on the subject. This body replied, "*Dead men don't make war.*" The matter gave rise to a farce, which was often played in the streets. First came the person representing the doge, then one representing the King of France, with large pockets filled with money, which he pretended to throw about him. Next came Maximilian, in a grey coat, and a small hunting-horn hung round his neck. His coat was likewise furnished with a huge pocket; but when the hand was put into it, his fingers went through the bottom of it. The Florentines took up the same jest; and ridiculed the authorities with unsparing severity.

POGGIO BRACCIOLINI, was an ecclesiastic, and one of the active instruments in the early movements in Italy relative to Greek literature. His "*Liber Facctiarum*" is a curious production, in which, often in the most indecent and vulgar language, he ridicules the priesthood, and lays bare their private vices, and political delinquencies. In his work "*On Hypocrisy*," he deals with the religious orders in this style, "They who assume the appearance of uncommon sanctimoniousness, who walk the streets with squalid countenances, in threadbare garments, and with naked feet—who affect to despise money—who are continually talking about Jesus Christ—who wish to be esteemed virtuous, whilst their deeds do not correspond with their outward appearance—who seduce foolish women—who quit their cloisters, and travel up and down the country in quest of fame—who make an ostentatious display of abstinence—who deceive and defraud

AONIUS PALEARIUS, wrote his "Inquisitionis Detrectator," in 1536. He calls the Inquisition a poinard held at the throats of literary men. He was beheaded for his writings at Rome, in 1570.

The work called "Squitinio della Liberta Veneta," 1612, previously noticed, was considered a very seditious one by the public authorities of Italy. The author makes some severe strictures on the Venetian government, showing that its boasted freedom was, in fact, no freedom at all. The work was burned by the common executioner in the city of Venice.

TRAJANO BOCALINI's "I Ruggriagli di Parnasso," 1630, (or Advertisement from Parnassus in two centuries; with the Political-Touchstone), is a curious work. It was translated into English in 1657, by the Earl of Monmouth. The work is a satirical effusion, and must have told with some effect among the political speculators and literati of Italy. The general scope of the work is, that a society of politicians open a shop or warehouse in Parnassus, where they sell various sorts of merchandise. The things they dispose of have an allusion to the party politics of the day and country. The warehouse is represented as being amply stored with *stuffing* or *bombast*, an article little prized by the common run of people, but highly valued by *courtiers*. The shavings of the finest clothes which wise men weave with the superfine wool of *forbearance*, serves to stuff the *pack-saddles* of slavery, to make them more easy for the courtiers. Pencils are likewise sold for the use of those princes who have occasionally to paint black for white. Spectacles, compasses, besoms, iron instruments, perfumed comforts, horse-trammels, and peacock's feathers, are among the articles puffed off as

There were a great number of political caricatures published in Italy, after the revival of letters, and for a couple of centuries afterwards. Of these, little is known in this country; and regular collections of them even in the chief Italian cities are by no means common. But for a long time after the art of printing became generally known, the painters and engravers were very active; and many hundreds of the most amusing and pungent caricatures of the public authorities of the day, were brought before the public eye.

Newspapers, by a sort of common consent among antiquaries, date their origin from Italy. The *gazettas* of the Italians, which sold for a small coin called *gazetta*, are the foundation of our English *gazettes*. These vehicles of public news first appeared in the republic of Venice, and was under the direct superintendence of the government. Other cities and states in Italy adopted these kind of newspapers, under the same name. Mr. George Chalmers says, that "A jealous government did not allow a *printed* newspaper; and the Venetian *gazetta* continued long after the invention of printing, to the close of the sixteenth century, and even to our own days, to be distributed in *manuscript*." There are thirty volumes of Venetian *gazettas* in the Magliabechian Library, at Florence, all in manuscript*.

* See note D, at the end of the volume.

CHAPTER V.

POLITICAL LITERATURE OF GERMANY, HOLLAND, THE NETHERLANDS, AND OTHER NORTHERN KINGDOMS OF EUROPE, FROM THE YEAR 1400, TILL 1700.

FROM the various countries, whose political systems we have to notice collectively in this chapter, we shall be compelled to lean more to the chronological, than to the territorial division of our matter. This partial deviation from our general design, will not, it is hoped, prove any stumbling-block either to the scientific or general reader.

The political literature of Germany after the year 1400, till the actual commencement of the Reformation, consists of little or nothing, save some dry scholastic discussions on the general polity of states. These were merely elementary treatises for the use of such students of the several universities of the kingdom, as were destined for the legal profession. The spirit of what is called modern politics, is coeval in this country with the rise and progress of the Reformation. Temporal and spiritual reforms were discussed together; and the idea was a very prevalent one, among all the most active and intelligent men of the country, that they ought never to be separated, either in theory or in practice.


The political elements of the Reformation manifested themselves very early in the German states. The opposition to the Church of Rome, as a civil establishment, became very active in the fifteenth and sixteenth centuries, and it grew more headstrong and violent in proportion as the papal power sought to exterminate every rising aspiration of freedom with fire and sword. The reformers of this part of Europe were the most indomitable and energetic, and though they had no particular social or political theory to advance, yet they disseminated in every corner of the country, those general principles of equality and liberty, so profusely scattered throughout the sacred writings. The church was no longer an independent institution, but became merged in the state. The power of the clergy was more dependent, as well as that of princes; and, in the administration of justice, arbitrary rule and personal authority were checked and brought under the influence of higher principles of equity and right. All these, and many other equally weighty considerations, found their way to the public mind; and greatly influenced the early political writings in Germany, on the fundamental principles of civil polity and government.

The first efforts of intellectual freedom in the sphere of politics, were neither very rational nor expedient in some parts of the German states. Early in the sixteenth century, these were founded on one-sided and partial views of scripture truths and declarations. The writings of the anabaptists created disturbances at Amsterdam, and an insurrection in Westphalia. Their political creed ran thus:—"We have one common father Adam, whence comes the diversity of ranks and of goods? Why groan we in poverty while others

have delicacies? Have we not a right to the equality of goods, which, by nature, are made to be parted without distinction amongst us? Return us the riches of the time being; restore us that which you retain unjustly?" To this doctrine of the community of goods, this political sect added to it the community of women, and a common family; and to crown the whole, they likewise maintained, that those who are in possession of true gospel light, have all that is requisite to direct them in civil life, and that the office of magistrate is unnecessary, and a violent and unauthorised encroachment on the liberty of the subject.

Muntzer, the leading propounder of these doctrines, died upon the scaffold at Mulhausen, in 1525; but his political and social doctrines still survived him. The city of Munster was seized by these enthusiasts, in which they attempted to carry into practice their community of women and goods. But the constituted authorities of the times put an end to these delusions, by taking the city by storm, and killing and executing the ringleaders of the sect.

This revolt of the anabaptists was partly of a religious and partly of a political cast. The people had for ages been reduced to the lowest state of serfdom and debasement; and when the bible became known among them, a new light was shed on their minds, and they beheld the gross injustice their rulers had inflicted upon them. It must be kept in remembrance that, before the end of the fifteenth century, Germany possessed at least twelve editions of the scriptures in the vernacular tongue. Two millions of bibles, and a million of New Testaments had been distributed over the country, in less than one hundred years. The work




"De Restitutione," the text book, or political charter of the anabaptists, pretended to be an exposition of the legislative doctrines of the sacred writings; but was, in fact, one of the most absurd medleys of religious fanaticism and civil and political vagaries, that ever made its appearance, in the world of letters.

The political sentiment of Germany was vastly influenced by the publication, in 1517, of the famous effusions, called "*Epistolæ Obscurorum Virorum*," or "*The Letters of Obscure Men*." These found their way into every nook and crevice of the continent of Europe, and excited the risibility and contempt of the people against the civil and religious abuses and extravagancies of the times. The origin of these famous epistles was an affair connected with the celebrated John Reuchlin. He was born in 1455, studied at Poitiers, resided a considerable time in Rome, and filled the office of count palatine in Germany, an office of honour and influence. He was a professed scholar, and a man of an enlightened and liberal spirit. Among many other learned works, he published a Hebrew grammar and dictionary, for the avowed purpose of facilitating the study and translation of the sacred scriptures. This roused the animosity of the scholastic doctors of the day, and particularly the Dominicans, who, in conjunction with the Jewish Rabbi of Cologne, and the chief inquisitor, applied to the Emperor Maximilian, to have all Hebrew books, except the bible, publicly committed to the flames. The alleged reason for this was, that such books were full of blasphemies against our Saviour. The emperor requested the opinion of Reuchlin on the nature of these publications. The learned author singled out those works which were

really of an objectionable character, and left them to their fate; but spared the rest. He accompanied his judgment with these observations: "The best way to convert the Israelites would be to establish two professors of the Hebrew language in each university, who would teach the theologians to read the bible in Hebrew, and thus to refute the Jewish doctors?" This raised a furious clamour among the Dominicans and all the abettors and supporters of the inquisition. Reuchlin was threatened to be sent to its hideous dungeons. Hachstraten, its chief inquisitor, obtained a decree from a tribunal at Mentz, that the whole of the writings of Reuchlin should be committed to the flames; a decree that was carried out amid great pomp and ceremony. The persecuted author appealed to Leo X. who referred the whole matter to the bishop of Spiers. This umpire declared Reuchlin innocent, and condemned the monks to pay all expenses incurred by the proceedings.

Both public opinion, and the majority of the learned and able men of the day, were decidedly in favour of Reuchlin. He wrote his famous "Defence against his Cologne Slanderers," in 1513; which took a powerful hold of the mind of all Germany. At the head of his friends, stood Ulrich of Hütten, called the German Demosthenes, on account of his philippics against the Roman hierarchy. He had served in the army, as a common soldier, at the seize of Padua, and had led both a wandering and studious life. In his rambles he visited Rome, whose vices he depicted in glowing colours. On his return to Germany, he published his work called "The Roman Trinity," in which he eloquently enforced the necessity of putting an end to the



disorders and oppressions of the papal court. In this treatise he says, "There are three things that are usually brought away from Rome:—a bad conscience, a disordered stomach, and an empty purse. There are three things in which Rome does not believe;—the immortality of the soul—the resurrection of the dead—and hell. There are three things in which Rome traffics;—the grace of Christ—ecclesiastical dignities—and women." Hütten, at the head of a number of men of letters, made a regular attack upon the enemies of Reuchlin, in the admirable "Letters of Obscure Men." The work is a bold and very striking caricature, but full of fire, strength, and genius. It spread rapidly over the entire continent of Europe, and held the monks and the supporters of tyrannical power up to laughter and derision. It is impossible to give the reader an adequate idea of the "Epistolæ;" they must be read to be appreciated. They abound with droll adventures, often characterised by excessive profligacy, and the irony is so subtle and keen, that many of the Dominicans, when the letters first made their appearance, mistook their import and drift, and felt proud of the notice taken of them! "A certain prior of Brabant, in his credulous simplicity, even purchased a great number of copies, and sent them as presents to the most distinguished of the Dominican order. The monks, more and more exasperated, applied to the pope for a severe bull against all who should dare to read these letters; but Leo X. would not grant their request. They were forced to bear with the general ridicule, and to smother their anger. No work ever inflicted a more terrible blow on the supporters of the papacy. * * * * Hütten took refuge in the castle of

Ebernburg, where Francis of Sickingen offered an asylum to all who were persecuted by the ultra-montanists. It was here that his burning zeal for the emancipation of his country dictated those remarkable letters which he addressed to Charles V., to the Elector Frederick of Saxony, to Albert, Archbishop of Mentz, and to other princes and nobles—letters that place him in the foremost rank of authorship. Here, too, he composed all those works intended to be read and understood by the people, and which inspired all the German states with a horror of Rome, and an ardent love of liberty*.”

As a specimen of the style and spirit in which the “*Epistolæ*” were written, we give the following paragraph, in which the casuistry of the schools is ridiculed to perfection.

“When I first set out for the Court of Rome, you told me I ought to write to you often, and to lay before you theological questions, which you would solve better than the courtiers here. I now, therefore, beg your decision, regarding the situation of one, who on a Friday, or other fast day, has eaten an egg with a chicken in it. A friend of mine and I were lately sitting at an inn, and eating eggs, I opened one and saw that there was a young chicken in it. So I showed it my companion, and he said, ‘eat it as fast as you can, lest the landlord should see it; if he does, you will have to pay him for a pullet, for it is the custom here to pay for whatever is set upon the table, and they take nothing back. If he sees there is a young pullet in the egg, he will say, Pay me for a pullet !


* Hütten’s works were published at Berlin, in 1825, in 5 vols. 8vo.

for he reckons a small one just the same as a large one.' I immediately ate up the egg and the chicken in it, and then all of a sudden I recollected it was Friday, and said to my companion, 'you have made me commit a mortal sin in eating meat on a fast day.' But he said it was not a mortal sin, and that it did not even amount to a venial sin; for that the chicken was not considered as anything more than an egg, till it was hatched, 'So it is,' said he, 'with cheese, in which there are a great many maggots, and so with cherries, peas, and beans, and many other things which are nevertheless eaten on fast days, and even on the Vigils of the Apostles. And the landlords are great rogues for saying they are meat, which they do to get more money.' Then I went away, and mused upon it, and, by Heaven, Master Ortuinus, I am much troubled thereon, and know not how it becometh me to act. If I go to advise with one of the people about the Court, I know they have no conscience. It seems to me that these chickens in eggs are meat, because the substance is formed and fashioned into an animal body, and has the vital principle; and the case of maggots in cheese, &c., does not apply, for maggots are considered as fish, as I have heard from a physician who was an excellent naturalist. I beseech you most earnestly to answer and advise me touching the question proposed; for if you hold it to be a mortal sin, I wish to procure absolution before I leave for Germany. You must know too that our master (of arts,) Jacobus de Hochstrat, has got a thousand florins, and it is my opinion that he will win his cause, and that the devil will confound that John Reuchlin, and all other poets and jurists who are against the church

of Christ, that is, against the theologians on whom the church is founded," &c.

When the reform sentiments of the several German principalities were in full play, we find the most ultra ideas entertained on the nature of all political relations and principles. Most of the chief movers in the new order of things, distinctly saw the necessary connection subsisting between religion and general polity; and dwelt in their writings, more or less, on the practicability of bringing these two vital subjects into something like harmonious agreement. But we must always bear in mind, that most of the reformers were not professed politicians. They furnish no evidence of having studied the science of general legislation in a systematic and profound manner. To rout out religious errors was their grand aim; and it was only when they saw these resting upon, and deriving powerful support from political abuses, that they were induced to discuss the abstract nature of civil rights, privileges, and institutions.

LUTHER had a violent antipathy to princes. He wrote a tract, which was widely circulated over the whole continent, in which he speaks of them in the following strain:—"Ever since the world was the world, a wise and prudent prince has been a *rara avis*; and an *avis* still more *rara*, has been a prince who was at the same time an honest man. What have we always found great men to be, at least almost always? Great fools, great knaves, the greatest knaves under the sun; lictors and hangmen in high places, whom God has made use of in punishing the other wicked ones of the earth: for God being a great and mighty king, it was necessary that the hangmen and lictors



he employed should be noble, rich, illustrious persons, men in high and world-honoured places, men feared by the world. It has pleased his divine will that we should address his hangmen and lictors, as *most gracious lord, most exalted prince*, and so forth; that we should prostrate ourselves at their feet; that we should be their dutiful, and obedient, and humble subjects. But beyond the hangman and lictor business, these men never carry their artifice so far as to pretend to be good shepherds of us their sheep. Oh, no; if we meet, in history or our experience, with a prudent, honest, christian prince, we cry, '*A miracle! a miracle!*' and regard it as a precious token of divine favour; for generally it happens to us as to the Jews, whom God thus menaced, '*I will give them a king in my anger.*'

"God has heated the brains of princes. They think they are fully entitled to follow out their own caprices; they put themselves under the wing of the emperor, and, according to their own account, in what they do, merely execute his orders like obedient subjects, as if they could in this way conceal their iniquity from men's eyes. Knaves that pass themselves off as christian princes! And these are the hands to which Cæsar has confided the keys of Germany.

"But I'll do my best to open the eyes of the blind to these five words of the 107th Psalm; *he poureth contempt upon princes*. Ay, princes, the hand of God is suspensive over your heads. Contempt will be poured upon you; you will die, were your power greater than that of the Turk himself; and it will avail you nothing to puff and swell yourselves out, and to grind your teeth. Already your just reward is

at hand; you are estimated at what you really are, rogues and rascals; you are weighed in a just balance, and found wanting; the people know you thoroughly, and the terrible chastisement, which God terms contempt, is hemming you round about, closer and closer, and will not be turned aside. The people, utterly wearied of you, will no longer endure your tyranny and your iniquity, nor will God. The world now is not the world as it used to be, wherein, at your good pleasure, you chased men, as though they were wild beasts."

"Explanation of the Monk-calf, and of two horrible Popish Monsters found in the Tiber, at Rome, in 1496." Published at Friburg, in Misnia, 1523, by P. Melancthon and Martin Luther.—"At all times, God has manifested, as with his finger, his anger and his mercy, and by miraculous signs announced to men the overthrow, the ruin, or the splendour of empires, as we see in Daniel, viii.

"During the pestilential domination of popery, he multiplied these signs of anger, and, but recently, has, in that horrible figure of the pope-ass, found in the Tiber, given so exact a representation of the papacy, that no human hand could have traced a closer resemblance.

"And first, there is the ass's head, which so well indicates the pope. The church is a spiritual body, which can rightly have no visible head or other member, but only Christ himself as Mediator, Lord, and Master. The Holy Scriptures illustrate by the ass, an irregular and carnal life, Exodus, xiii. And just as the brain of an ass differs from the intellect of man, so is the papal doctrine remote from the doctrine of

Christ. Thus, ass's head, according to the Scripture, the interpretation of natural law, and the light of reason, is shown by the imperial priests, who say, a mere canonist, a mere ass.

“ *The right hand resembling the foot of an elephant*, signifies the spiritual power of the pope, wherewith he bruises and breaks trembling consciences, in like manner as the elephant seizes, tears, and crushes its victims. For is popery anything else than a murderous immolation of consciences, by means of confession, vows, celibacy, masses, feigned penitence, indulgence-trickstering, the superstitious worship of saints; as Daniel says: ‘*He shall kill the saints.*’

“ *The left hand of a man*, means the political power which the pope has arrogated, despite Christ's prohibition (Luke, **xxii.**); but which antichrist has seized upon, by help of the devil, in order to make himself master of kings and princes.

“ *The right foot ending in a bull's hoof*, means the spiritual members of popery. The *bajuli* who aid and assist in the oppression of men's souls; the catholic doctors, preachers, confessors, the mob of monks and nuns, and above all, the scholastic theologians, that race of vipers, who insinuate and filter into the people the prescripts and ordinances of popery, and chain down consciences captive beneath the foot of the elephant; the very basis and foundation of papism, which without them would never have been able to subsist as long as it has. For what does the scholastic theology comprehend but insane, wild, foolish, execrable, Satanic, maddening dreams, monks' reveries, of no use but to trouble, fascinate, set to sleep, and destroy men's souls?

“ *The left foot that of a griffin*, indicates the minis-

ters of the pope's temporal power—namely, the canonists. When the griffin has got a victim in its claw, it keeps good hold of it; in the same way, these satellites of the pope, when, by means of their long canonical hooks, they have clawed hold of our property, take care not to let it go again.

“*The breast of a woman* means the papal corps—that is to say, the cardinals, bishops, priests, monks, the saints, and martyrs of the Roman calendar, the whole race of roaring lions and Epicurean pigs, who go about seeking what they may devour, eating and swilling, and shamelessly indulging in all sorts of filthy obscenity.

“*Fishes' scales on the arms, feet and neck*, indicate the temporal princes and lords who obey this domination, united and folding over popery as the scales upon fish, though they know well enough the monstrous sins of popery, its horrible tyranny.

“*The head of an old man partly attached to the left thigh*, implies the old age, the decline and fall of the papal kingdom. And, thank God, the base farce is well nigh over!”

ERASMUS, “Adages,” &c., 1500. The political writings of the learned Erasmus are particularly worthy of attention. They form rather a striking feature in political history immediately connected with the great movement of the Reformation in Germany. The author's opinions will be chiefly found in his “Adages.” It is here that we have kings and courtiers drawn at full length, by his witty and sarcastic pen.

The “Adages,” are well-known for their political pungency and severity on crowned heads. In one place he says, “Let any one turn over the pages of ancient or modern history, scarcely in several generations will

you find one or two princes, whose folly has not inflicted the greatest misery on mankind. * * * * I know not whether much of this is not to be imputed to ourselves. We trust the rudder of a vessel, where a few sailors and some goods alone are in jeopardy, to none but skilful pilots; but the state, wherein the safety of so many thousands is concerned, we put into other hands. A charioteer must learn to reflect upon, and practice his art; a prince need only be born. Yet government, as it is the most honourable, so it is the most difficult of all sciences. And shall we choose the master of a ship, and not choose him who is to have the care of many cities, and so many souls? But the usage is too long established for us to subvert. Do we not see that noble cities are erected by the people; that they are destroyed by princes? that the community grows rich by the industry of its citizens, is plundered by the rapacity of its princes? that good laws are enacted by popular magistrates, and violated by these princes; that the people love peace; that princes excite war?

“It is the aim of a guardian of a prince, that he may never become a man. The nobility, who fatten on public calamity, endeavour to plunge him into pleasures, that he may never learn what his duty is. Towns are burned, lands are wasted, temples are plundered, innocent citizens are slaughtered, while the prince is playing at dice, or dancing, or amusing himself with puppets, or hunting, or drinking. O race of the brute, long since extinct! O blind and blunted thunderbolts of jupiter! We know, indeed, that those corruptors of princes will render account to heaven, but not easily to us.”

ernness and boldness of the author's invective, and pre-eminently out from the general tone of political speculations of his own age and country.

The opinions of MALANTHON on political principles are of a very liberal cast. He does not inveigh so bitterly and sarcastically against government and kings as Erasmus. In Melancthon's "Epitomy of Moral Philosophy," he lays down the doctrine; that the forms of kingdoms are in some places there are some degrees of than in others. God approves of all forms of government that are agreeable to right, nature, and reason.

ULRIC ZWINGLE maintained that "When, by the consent of the whole people, or the better part of them, a tyrant is deposed, or put to death, God is the chief actor in the action*."

JOHN CALVIN'S "Institutes." The last or twentieth chapter of the famous "Institutes" of Calvin, is devoted to the discussion of the nature of civil government. It sets out by showing that there are two great errors to be avoided in the discussion of political matters; to shun wild democracy, and to oppose tyrannical power. Government is necessary to men's happiness, as bread and sustenance is to the body. The science of government must ever be greatly modified by the external circumstance of a country. The general doctrine of the right to resistance is very tenderly touched by Calvin. He seems greatly puzzled how to dispose of the question in such a manner as shall be in unison with his resistance to the authority of the pope. He shows that if a parliament be chosen in any state, and that that legislative body winks at the

oppressions of a prince, then it deceives the people, and violates its sacred trust to maintain their civil liberties, and commits a grievous sin in the sight of God*. At the same time he maintained that no outrage on the liberty of the subject, however grievous, if committed by rulers acting under divine right, could justify resistance from a christian man†. In 1554, Calvin published a small work vindicating the magistrates of Geneva for the burning of Servetus.

THOMAS ERASTUS, a contemporary of Luther's, wrote his work "*De Excommunicatione Ecclesiastica;*" which was the foundation of the theological and political notions embodied in what is called in modern times Erastianism. This system was grounded on the principle, that religion is an affair between man and his creator; and that all individuals calling themselves christians have a right to resort to any place of public worship and partake of the christian ordinances of faith. This is an attack upon all classes or denominations of christians, having a regular clergy set apart for the ministration of sacred things. The Erastians maintained that the power of excommunication was the great engine of theological and civil tyranny and oppression.

SABASTIAN CASTALIO, under the assumed name of Martin Bellius, was the author of a tract in favour of religious toleration, entitled "*De Hæreticis quomodo cum iis agendum sit variorum Sententiæ.*" It is a compilation of opinions and sentiments from the fathers of the church, and other modern writers, in favour of dissent in matters of faith. In a letter prefixed to the work, addressed to the Duke of Wirtemberg, the

* "*Institutes,*" p. 748, folio edit. 1611, London.

† *Ibid*, b. iv. c. 20.

author shows the general impolicy of its awakening the active sympathies of the victims of bigotry, and by the fact progress in the work of proselytising can be effected by coercive enactments, however cunningly they may be enforced.

THEODORE KOORNHERT, a native of Holland, was an able and zealous champion for the cause of religious freedom. He published a work in Latin against persecutions for heresy; but it is very seldom to be met with. Bayle and Brandt are the only writers who mention it from personal knowledge*.

THEODORE BEZA undertook, at Calvin's request, to defend the doctrine that it was the magistrate's duty to punish heresy. His work is entitled *De Magistratu Puniendis*. This appeared in 1550, and created no little interest among the statesmen and reformers of the day. It was written in answer to the treatise of Castalio. The arguments that Beza employs are drawn from the history of the church. He maintains that heresy was considered a capital offence under the Moslems, and that both the letter and spirit of the Christian religion are in favour of a forcible suppression of obnoxious and dangerous opinions.

Throughout the whole of Germany, and in the neighbouring countries, more or less under the influence of the reformed opinions, satire and ridicule were employed against the theological and political errors of the times. The number of fugitives of this cast was very great. The political errors were treated in prose and verse, songs, farces, comedies,

* See Bayle, and Biogr. Univ.

amount, even at this hour, to some hundreds of volumes. The Schoolmaster of Esslingen was one of the most prominent of the German satirical ballad-mongers of the day. Master Rainbow, Master Rumsland, and Spervagel, are likewise mentioned as very prolific and popular writers. "The Composition of Pope Joan," appeared in 1480, and attained universal popularity. It brought great scandal on the papacy. Certain Swiss republicans composed war songs, which were very instrumental in propagating wild notions of liberty among the mass of the people. Veit Weber is one of the most noted of these writers.

LEMNIUS wrote satirical epigrams, 1538, against Luther and the Elector of Saxony. The author was obliged to leave the country in consequence. These epigrams are full of merit, and created no little sensation when they first appeared.


Two severe satires were published in Germany, in 1609, called "De Antichristo Romano." They condemn the political part of popery with great bitterness and powerful sarcasm.

SABASTIAN DE BRANDT published, in the Dutch language, his curious work, called "The Ship of Fools," 1500, which has been translated into Latin, French, English, and Italian. Among the list of *fools* who crowd the ship, are the political ones—as unjust rulers, oppressive lawyers, and all the numerous hosts of persons who obtain their living by various species of political corruption and dishonesty. This treatise is exceedingly curious, though its allusions to general polity are neither so frequent and direct, as to the ordinary moral habits of the world. "The Mirror of Owls." (Till Eulenspiegel), was another Dutch satire

of great repute in its day ; but the author of it is unknown.

JEHAN, called the Libeller, 1520, was a writer of note in his time. The chronicles of the Low Countries give an affecting account of the fate of this satirist. He was the author of the most stirring articles levelled against the Spanish power in Belgium. His history is singular and melancholy. One of the general agents of Spain, called Mandragore, under the immediate authority of the Duke of Alva, seized a beautiful young lady at Brussels, the only child of her parents, who moved in a respectable sphere of life. The results of this brutal act were the abandonment of the female, and the birth of a son. The mother and child lived afterwards together at Bruges ; and one of the first lessons assiduously inculcated into his growing mind by his mother was, to rear him up with an unquenchable hatred of the Spanish rule from which she had suffered such grievous and irreparable injury. The son having received a good education, employed his pen as he grew in years, and galled the oppressors of his country into a state of fury. He lampooned the duke and his satellites on every occasion, and got his writings, though published anonymously, circulated in every town and village. A large reward was offered for the discovery of the author. He was suspected ; but immediately resolved to make his appearance before the duke himself, and claim the reward for the assistance of his poor mother. The following is the sequel to the story.

“ Well, my lord ! Upon your good faith, I deliver Jehan, the Libeller, to you. *I am Jehan !* You will immediately liberate my poor mother.”



Alvarez rose.

"Thou art, indeed, a bold man, to throw thyself thus into the lion's jaws. Does't thou not know the fate of those who shall dare to attack the authority deputed to me."

"I fear not death."

"Since when are kings accountable to their subjects for their acts? Have they any account to render but to heaven."

"To be the representative of God on earth, kings should be just and merciful, as God is! And thy king is a tiger thirsting for blood, unworthy of his father, and only worthy of such servants as thou art."

All present uttered an exclamation of surprise. Never before had such words been spoken to the favourite of Philip the Second.

Alvarez commanded silence.

"Madman!" he said, "do you know to whom you speak?"

"Ah, if I know you! I know the other Attila; that wherever thy war horse passes, ruin and desolation follow. To-morrow! perhaps this very day—my quivering limbs may be the scoff of the executioner—but I fear nothing! I would rather die, than any longer behold my suffering country. But do not think by silencing me, to silence the murmurs of the people. After me, more powerful combatants will take up the cause; as long as one Belgian shall be left in the kingdom, there will be a voice to cry out and to curse thee and thy associates."

"That is too much," said Mandragore. "My lord is too good to listen to the madman!"

"No, that excuses me," replied the duke.

"As for thee, Signor de Mandragore," replied Jehan, "worthy companion of thy master; Faithful executioner of justice, listen to me. When our great emperor (Heaven protect his memory!) came into Belgium, he was accompanied by a suite of Spanish officers young and handsome. One of them, (his crimes were not then written on his face) was much noticed by us; but already, his wayward nature foretold what he has since become. In Brussels lived a young maiden, the sole hope of her poor mother. And on this young maiden, did the Spanish officer cast his eyes. She was beautiful. And a noble gentleman had no need to be scrupulous upon the lawfulness of his desires. The maiden's virtue was incorruptible—but that screened her not from a Spanish *man of honor*! She was seized and brought before this handsome nobleman; neither were her prayers or protestations attended to; but, ere long, she was thrust from his house. Her mother could not survive the shock—but the young girl became a *mother*! and she lived for her child's sake; whom she brought up in tears and sorrow. Since that period, the officer has become a wealthy and powerful nobleman, (for the blood of our countrymen is richly paid by the tyrant Philip,) and was he now to hear this old story, hardly would he recal to mind one of his youthful follies; but his son grew up in hatred and abhorrence of the power which sported with the heart's-blood of the people.

"But the mother—the excellent mother, has never ceased to pray that God would be merciful to the sinner; and protect the helpless offspring of that crime, of which she was the innocent victim.

"To day her son perishes for calling upon his coun-

trymen to assert their rights! He will die with the satisfaction of having fulfilled his duty to his mother and to his native land. I am he! My mother is in prison, and the author of her injuries and of mine, sits honorably by your side. The Lord Mendragore, he is worthy of thy example! I have no more to say, but that I am prepared to quit such a world of crime."

Having thus spoken, the youth looked round with undaunted courage.

"It is a calumny, my lord!" exclaimed Mendragore.

"Silence!" replied the duke, "can any credit be given to such as these?" and turning to Jehan, he said, "My fine speaker, you have, at last, finished. It is my turn to address you, but in few words. My word is pledged for thy mother's release, and now, noble Castillian, it shall be fulfilled. Thy mother shall be set at liberty, and have the thousand florins—that is not too much for the head of her son.

"In one hour, thou shalt be executed—thy mouth stopped for ever, and see which of *thy* people, will dare to attempt thy rescue. A hundred men shall guard him; and *thou* Mendragore, shall command the execution, since he has noble blood in his veins, he deserves to be treated with respect—lead him forth!"

An hour afterwards, Jehan's head rolled at the feet of the executioner. The people saw it, *and were silent!* Jacqueline died the very same day; her life was bound up with that of her unfortunate son.

The following year the Duke of Alva quitted Belgium, loaded with execrations*.

There were many satirical songs written against this

* "Chronicles of Flanders," by Octave Delpierre.

ducal scourge of the Netherlands, most of which have, however, vanished from public view. There is one preserved in Royal Library of Brussels, expressive of the following sentiments.

“Listen, if you wish to hear
The song I mean to sing ;
A song of the old man Alva
On many curious things.

“With pomp they paid him homage,
When he visited the town ;
But he ran away by night,
And left his debts unpaid.

“The old man was so cruel
That no one would serve him ;
No taxes he could levy
For the people shouted out,
Vive les gueux ! Vive les gueux !

“He earnestly sought peace,
But they could not take his word ;
They knew him to be deceitful,
He pardoned with wheel and gallows.”

We have, about the same time an ode from the pen of Van Zevecte against Spanish power, which displays all the energy and revengeful pathos which tyranny excites in the patriot's breast.

“Trust to the winds or to the unruly waves—
Trust to the ice or to a wayward child—
But never trust to those whose faith was always hollow.
They have sucked treason with their mother's milk ;
More than one noble country has been by them depopulated,
Wasted, burned, and thrown into slavery.
The snow shall cease to be cold, the sun to gladden
The summer's morn, the clouds to fly through the
Air, the sea coast to have cliffs, and the fire
Burn, ere the Spaniard shall keep his faith.”

JUSTUS LIPSIVS published his "Politica," about 1565. It is chiefly composed of quotations from, and references to, the works of the ancients, as Aristotle, Plato, Tacitus, &c. He was severely reprov'd by several protestant writers for maintaining the doctrine that heresy ought to be exterminated by fire and sword.

In 1603, JOHN ALTHUSIVS, published in Germany, a political treatise called "Politica Methodicæ Digesta," in which he endeavours to show that the supreme power of a state, must lie in its people; and likewise maintains the position, that they have the sole power of punishing or deposing their kings or princes. He was the author of several other political effusions, besides this one; but they are all based on the same principles.

Political science in Germany, Holland, Belgium, and other neighbouring countries, was, at this period, greatly influenced by theological questions, both of doctrine and discipline. There were two topics especially which bore directly upon politics; namely, magisterial power over christian churches, and the individual right which every man conceived he had to embrace whatever religious creed he thought most rational and consistent. The distinguished persons who took an active share in the discussion of these important questions, were generally men of enlarged and liberal views, well versed in civil history, and who had made the leading principles of legislation and government subjects of contemplation and study. In stating their respective tenets to the public, they necessarily had to deal, at various points of their inquiries, with matters of civil polity; and were

invariably led to adopt those theoretical views of the nature and offices of a commonwealth which were more or less in accordance with the ecclesiastical systems they each wished to have established. It was in this way that a great mass of highly important political matter became incorporated with religious and doctrinal disputes. As no two of the chief and early reformers in Germany, had been able to agree on the precise limits which separated religious from civil privileges, the controversy on the subject had always remained an open one to the protestant clergy of every denomination on the continent. Various external circumstances sometimes retarded, and sometimes accelerated and extended its discussion. The most noted of the class of writers, who embodied political with religious doctrines, in these sections of Europe now under consideration, were James Armenianus, and Simon Episcopus. The former was professor of theology at the University of Leyden, and died in 1609, leaving behind him many important works, which afterwards exercised a powerful influence over the political opinions of the Dutch clergy in particular, and the mass of reflecting people in many other states of Europe. He was the founder of the Armenian doctrines of theology, which were invariably connected with a certain class of opinions on the nature and character of all civil rights and obligations.

The works of Episcopus were published in 1650, in two volumes folio. The most important of these, in a political point of view, is his "*Confessio Remonstrantium*," written in 1624. This work contains, apart from the religious portions of it, many valuable obser-

vations relative to ecclesiastical rules, and the principles of toleration.

Notwithstanding the many able and profound discussions on the principles of religious freedom, they were but very imperfectly understood or acquiesced in at this period by the various theological bodies in these countries. Perfect toleration was indeed the watch-word of all minorities; but they no sooner were in a position to exercise authority than they fell into the common snare, and became as bigoted and intolerant as their enemies had been. Freedom was on the lips, but tyranny still reigned in the heart. There was not a single writer on the continent who had, as yet, ventured to embrace the right of private judgment as an absolute principle of justice and expediency. Some advanced farther towards this point than others; but they all fell short, and exhausted their zeal and ingenuity in subtle qualifications and compromises. True, there was a decided change for the better in actual practice; for, after the middle of the seventeenth century, public executions for heresy, ceased in all the countries in Europe. This was one important step gained in a right direction.

“*Mare Liberum sive de Juare quod Batavis competit ad Judicana Commercia, Dissertatio*,” Lugdini, 1609. This is a small publication on the liberty of the seas, and is well entitled to the notice of all those who write on this subject.

JOHN SLEIDAN.—“*De Statu Religionis et Reipublica*,” 1557. This author was born in the city of Sleide, near to Cologne, towards the beginning of the sixteenth century. The catholics complain that after the author's death, a second edition of this work was

published, and all the principal facts were suppressed in it, which were in favour of their conduct and principles. The original edition was published in 1553. The work is a history of the state of religion in the author's time; and showing its bearing upon the political movements of the day. There is great shrewdness displayed throughout the work; but the political matter it contains is not of a very high value.

PHILIP DE COMINES, 1575, was a native of Flanders, and a historian and legislator of note in his day. He passed his time chiefly at the Court of Louis XI. of France; but at the death of that monarch, he was thrown into prison, and treated with great harshness. He had lofty notions of freedom, and a deep insight into the general machinery of government. The following remarks are worthy of notice.

“But should we concede that our necks are used to the yoke, that we are become familiar with servitude, shall we willingly suffer our ears to be bored to the posts of our new masters, and become slaves for ever?—Shall we court our bonds, and glory in that which is our shame? Shall we never learn to be free, and to value liberty?—Shall we never emancipate ourselves and our posterity, but entail thralldom and slavery on them also, to all generations? For so long as we draw in this yoke, our condition is the same with slaves; whatsoever is born unto us, is a vassal of our lord's—the fruit of our loins must drink of the same cup with us, draw in the same yoke, groan under the same tyranny and oppression we bequeath to them—nay, who knows but their bondage may increase, (like that of Israel's under the son of Solomon, whose little finger was heavier than his father's loins) for tyrannies

usually exasperate and wax worse with continuance? Shall we now leave our children liberty, or bonds—freedom, or oppression? If we, who have had our necks worn with the yoke, and our backs bowed down with heavy burdens, are of a crouching, slavish spirit, perhaps our posterity, if born in a freer air, and under the influences of a more benign government, may prove of more generous and noble spirits, worthy of, and knowing how to prize their liberty. But without doubt, those brave and gallant souls, by the conduct of whose valour and prudence, we have broken the iron yoke of arbitrary and exorbitant power, and (by the good providence of God) redeemed the captivity of our nation from the unrighteous bonds of our wicked oppressors, are worthy of, and know how to prize and improve what hath been purchased with so much sweat and toil, and will not in the end sell their birth-right for a mess of porridge,—but leave an offspring, heirs of their own valour and gallantry, that with the utmost peril of their lives and fortunes, will defend and preserve what the labours of their ancestors have purchased with sore travail, both of mind and body, and so transmit it entire to their posterity, through many generations—till the consummation of all things, and that time shall be no more.”

JOH. GERHARDUS, 1608, is the author of “*Centuria Quæstionum Politicarum*,” in which is discussed the great question as to the doctrine of toleration in matters of religion.

HUGO GROTIUS, “*De Jure Belli et Paris*,” 1620. There arose up in Holland, Germany, and other neighbouring states, at the commencement of the seventeenth, and during the greater part of the eighteenth century,

a class of political writers, who have subsequently exercised a powerful influence over the general current of public opinion in Europe, relative to the nature and offices of the abstract principles of government. These writers took under their especial charge the development and illustration of the laws of nations, or, as they are often termed, the science of jurisprudence. These able and ingenious men have occupied nearly the same relative position in reference to the current polity of all nations, as the constitutional writers on English law have done in regard to the mass of scientific political authors of our own country. The erudite and abstract publications on the law of nations have laid down such fundamental principles of polity, as to serve as guides or beacons to all future generations of men.

In order to make our remarks somewhat connected and useful, we shall cast an eye backward before the days of Grotius, and likewise throw them a little forward, to nearly the termination of the last century. This will keep the subject of jurisprudence, a very important one in itself, undivided and unbroken.

The law of nations—public law—international law, or jurisprudence—is that part of section of political science, which relates to the duties of men and nations towards each other, according to the abstract principles of justice, totally independent of all considerations of positive enactments or conventional usages. This part of the science of polity sprung directly out of the scholastic philosophy; and was first regularly developed by Spanish writers, and chiefly through their commentaries on the “*Secunda*” of Thomas Aquinas. The increased study of the Roman law was also an important stimulant to those studies of the law of nations. The

early attempts of the kind were embodied under the general title of "De Justitia et Jure."

The study of Roman law, and the general principles of political science embodied in it, was never lost during the most gloomy periods of literary history. Irnerius is commonly understood to have been, about the end of the twelfth century, a popular lecturer at Bologna, on the systems of general polity; and at this period it was likewise the common practice, independent of oral instruction, to make short commentaries or glosses, (*γλωσσῶν*), which explained the meaning of difficult or obscure passages in the Roman and other systems of jurisprudence. This learned man was the author of an epitome of law called "Authentica," containing the "Novels" of Justinian, arranged in conformity with the titles of the "Codes." The successors of Irnerius were Martinus Gosias, Bulgarus, and Placentinus. The last author wrote a summary of the "Code and Institutes." Another one appeared in 1220, by Azo. Hugolinus made an abridgment of the "Pandects." But the most distinguished author of the times was Accursius, who made a collection of the "Glosses," under the name of "Corpus Juris Glossatum." In 1306, the inhabitants of Bologna decreed, that the family of Accursius, should enjoy all the civil honours of the victorious Guelf party, in grateful remembrance of one "by whose means the city had been frequented by students, and its fame had been spread through the whole world."

In the fifteenth century, Bartolus and Boldus, were able and distinguished scholastic jurists. The writings of these authors having held a conspicuous place in all the public seminaries of legal education in Europe.

Proceeding down to the sixteenth century we find

Ulric Zasius, a professor at Friburg, and Garcia d'Erzila, as zealous and able cultivators and expounders of the principles of abstract polity. Andrew Alciati, of Milan, was likewise an eloquent writer on the subject. He taught at Avignon, Milan, Bourges, Paris, and Bologna, between the years 1518 and 1550. Erasmus praises him very highly, and says he was the most jurisprudent of orators, and the most eloquent of lawyers. Antonio Agustino, a Spaniard, published his "*Emendationes Juris Civilis*," in 1544.

At the commencement of the sixteenth century we have a few authors of celebrity on the science of general law. Fabre of Savoy, and Monochius are well known, so likewise are Conringius of Helmstadt, and Zouch. But Saurez, the Spanish writer on legislation and morals, is by far the most profound and systematic of this class of writers.

GROTIUS' treatise, written at the suggestion of Lord Bacon and Peirsce, came very opportunely, after the eve of the great slaughter on account of opposite judgments on political topics. Its grand object was, therefore, to teach sovereigns and states the useful and humane lesson of being guided by sound principles of reason and religion, either in commencing or in carrying on a system of warfare. There are no scientific principles, properly so called, in the author's work; but he makes direct and powerful appeals to the most ancient and distinguished historians, orators, poets, philosophers, divines, schoolmen, and both ancient and modern lawyers and civilians, of all kinds and shades of opinion, and of all nations and ages; and these appeals are in favour of the principles of reason, justice, toleration, and personal freedom.

From the peace of Munster to the French Revolution of 1789, these writings of Grotius, and his disciples and commentators, prevailed over almost every other of an abstract and political character. The reason of this was, that they enter profoundly into all the first questions of scientific polity. The origin of governments, the end and object of them, the right of resistance to authority, the rules for limiting the privileges of both rulers and people, and the numerous modes in which the great principles of moral and religious obligation modify the absolute maxims of law and justice; these, and many other topics of great speculative interest, are developed with singular acuteness and force of reasoning. And, to show the influence of these writings on the general current of political thought in Europe, we have only to cast an eye over the chief systematic treatises on politics, from the days of Grotius to the end of the last century, and even to the present day, and we shall perceive how firmly many of the primary maxims of his philosophy, have become established in the every-day creeds of politicians and statesmen.

The reasons for the publication of this great work, the author tells us, were these: "I saw in the whole christian world a license of fighting, at which even barbarians might blush; wars begun on trifling pretexts or none at all, and carried on without reverence for any divine or human law, as if that one declaration of war let loose every crime. * * * * Let, therefore, the laws be silent in the midst of arms; but those laws only which belong to peace, the laws of civil life and public tribunals, not such as are eternal, and fitted for all seasons, unwritten laws of nature, which subsist in what the ancient form of the Romans denomi-

nated 'a pure and holy war.' * * * I have employed, in confirmation of this natural and national law, the testimonies of philosophers, of historians, of poets, and, lastly, even of orators; for they are apt to say what may serve their party, their subject, or their cause; but because when many, at different times and places, affirm the same thing for certain, we may refer this unanimity to some general cause, which, in such questions as these, can be no other than either a right deduction from some natural principle or some common agreement. The former of these denotes the law of nature, the latter that of nations."

Grotius maintains, that the origin of society may be traced to the simple, but powerful, principle of sociability implanted in human nature. "Among things common to mankind, is the desire of society, that is, not of every kind of society, but of one that is peaceable and ordered according to the capacities of his nature with others of his species. Even in children, before all instruction, a propensity to do good to others displays itself, just as pity in that age is a spontaneous affection." The natural laws have for their object the preservation of this social state, and they are the offspring of the moral constitution of man, and cannot be considered in a philosophical sense, at least, as separated from it. No law can be entitled to the epithet *natural*, unless it be in accordance with some well-defined expression of common feeling and sympathy manifested by our fellow-men.

This brings the author to the question, are these laws of nature fixed, unalterable, or eternal? These laws are called the *dictates of pure reason*, pointing out a moral guilt or rectitude to be *inherent* in any action.

They are so immutable that the deity himself could not alter them. Grotius, however, qualified this position in after life, by maintaining that if the deity should command any one to be killed, or his property to be taken from him, this would not render murder or theft lawful; but being commanded by him who is the source of existence and life, it would cease to be murder or theft.

Positive law, Grotius divides into human and revealed. The former springs from communities of freemen, and derives its validity and power from the consent of all or many nations, and which is also supported by continual usage, and the authority of the learned in all ages and countries. The revealed law he subjects to the same division; a great portion of it being directly confirmed by scripture declarations, and much likewise by the law of nature—all revelation having a distinct reference to the principles of human action, passions, desires, and interests.


What are called *Rights*, or the *Rights of Man*, Grotius considers under two points of view—the one class perfect, and the other imperfect, rights. Here, however, the learned author falls into some confusion, chiefly from the confined view he has taken of these rights, and merging them in matters which properly belong to morality, and the prudential affairs of common life.

War, one of the leading topics of discussion in his treatise, is considered neither to be unlawful by the law of nature nor of revelation. His arguments and proofs from authority are very voluminous on this head. We must refer the reader to the work itself. Resistance to constituted authorities he holds to be

unlawful. He speaks of kingdoms and nations being alienated in the same tone and manner in which we speak of private estates passing from one person to another. He qualifies a little on this point, by affirming that where a government is founded on a popular basis, it does not come within the rules of ordinary alienation. The right to resistance he strictly limits to self-defence—that is, when a people see their destruction inevitable, they may then oppose the reigning power or prince; but mere negligence or ill-management is not a justifiable motive for rebellion.

The right of self defence, whether considered in a national or individual point of view, is one of the most vital, but embarrassing questions the author has to discuss. On this head he has, in reality, added nothing to that which was known and admitted by other distinguished writers before his day. But he has stated his case fairly and ably, though he has not proved himself equal to the inherent difficulties of the question.

The following important topics are discussed in other parts of the work. The right of occupancy; rights over persons, by generation; by marriage, and by commonwealths; the right of alienating subjects; rights of property, by positive law, promises, contracts, and promissory oaths; the engagements of kings towards subjects; public treatises, and their interpretation; of ambassadors, and their duties and privileges; of insufficient causes of war; duty of avoiding it; of allies and strangers; rights of war, and the rules and customs of nations respecting them; declarations of war; rights of nations over their enemies, prisoners, and slaves; the moral limits to the



rights of war; and of treaties and truces. The other works of Grotius are not destitute of political importance. The treatise "*Pietas Ordinum Hollandiæ*," 1613, maintains the doctrine that magistrates have the right to repress the circulation of dangerous controversial works. A few years afterwards he published another book of a similar character, called "*De Imperis Summarum Potestatum circa Sacra*," in which the several limits of civil and ecclesiastical authority are more fully and systematically defined, than in any other of his treatises.

Various and conflicting opinions have been entertained by philosophical critics, on the general merits of the works of Grotius, and of his numerous commentators and disciples. The late Professor Stewart seems to have formed a very low estimate of their value. He says, "Notwithstanding all their industry and learning, it would be very difficult to name any class of writers, whose labours have been of less utility to the world*." On this passage, an able critic in the "*Edinburgh Review*," makes the following observations, "It would be more just, in our opinion, to have said, that notwithstanding the mediocrity of their general talents, and their frequent offences against the order of science, it would be difficult to name any class of writers, whose labours have been of more utility to the world. To promote the civilisation of mankind, by contributing to diffuse a reverence for the principles of justice, is certainly far more useful to the world, and (if that inferior object were worthy of notice) indirectly even more useful to science itself, than to make any addition, however splendid, to the

* Dis. p. 131.

stock of human knowledge. A class of writers, remote from power, without sympathy for ambition, and happily disabled by inexperience from making allowance for the real exigencies of state necessity, addressing themselves to the great body of readers, similarly circumstanced and disposed with themselves, and expecting all their credit and popularity from the approbation of that important and daily increasing body, became necessarily the advocates of liberal principles, and the preachers of strict justice between all nations. In this manner they became, as Mr. Stewart states, the forerunners of the beneficent science of political economy—spreading the same spirit which it breathes, and reaching, with a sort of practical coarseness, some of its results—though their reasonings did not, we conceive, lead by any logical process to the establishment even of its first principles. The connection is rather historical than philosophical. But at all times they carried on that avowed war against the policy (we think harshly) called Machiavellian, which was solemnly declared by Grotius in almost the concluding sentiment of his work, “That doctrine can have no permanent utility which renders man the enemy of his fellow-men*.”

PUFFENDORF.—“*Elementa Jurisprudentiæ Universæ*,” 1660, “*De Jure Naturæ et Gentium*,” 1672. This author is commonly considered as a mere writer on the more subordinate doctrines of jurisprudence; but those who will examine his writings will find that he treats of the general principles of government with great ability and acuteness. His notions as to the origin and nature of civil society, are illustrated in

* Vol. 27, p. 232.

the seventh book of his works. Puffendorf maintains that all societies of men take their rise from a powerful principle of *sociability* implanted in human nature. Every man is deeply impressed with an idea of his own weakness and insecurity; and, therefore, he is induced, from motives of interest and comfort, to confederate with his own kind. But in order to confer validity upon all such social and political confederacies, a *covenant* must be formed by a number of men, each with each, and the majority must bind the minority. This being done, the next act, which also implies a covenant, is to resolve and decree who shall be invested with political power over the community. Here another covenant is necessary between the person or persons invested with power, and the community who have to obey. Out of all these mutual agreements, a number of duties and rules of conduct are derived; and it is from the right understanding and fulfilment of these, that a state becomes great, powerful, and happy. When a community is thus formed, it is necessary, in all discussions and reasonings about it, to consider it as one person, having only one will, which is represented by the individual or individuals, in whom the sovereign power is vested. This sovereignty is always considered to be based upon the covenants previously entered into; and the author maintains that this sovereign power can never be supposed to be divined by the almighty, except in that comprehensive sense in which it may be said that all things are divined from his creative power and goodness.

On the important political doctrine, that no member of a community should be allowed to perish of want,

Puffendorf makes the following observations. "If any one, by no fault of his own, shall be in want of food and clothing and struggling against a dearth of the necessities of life, and shall be unable by offering money, by entreaties, or by offering to work, to obtain assistance from the more rich and affluent, then, in that case, he may obtain them either by force or stealth without being held guilty of theft or robbery, especially if he intends, when he is able, to make restitution of the amount of what he shall take*."

Puffendorf's ideas of the rights of sovereigns are of the most absolute kind. He expresses himself unfavourable to all mixed modes of government. The sovereign power should be irresponsible; and must not be bound by the law which itself has promulgated. Here the author displays great weakness of argument, and falls into numerous inconsistencies in his reasonings. He denies that all governments are designed for the public good; but if even this were their true and legitimate end, he affirms that this is more likely to be perceived and promoted by a single person, than by a multitude†. All this is manifestly delusive, and contrary, as Mr. Hallam very justly remarks, to the nature and purposes of covenants, which the author is so careful in laying down as the groundwork of all social institutions. All covenants presuppose reciprocal duties; and when these are violated, the original

* "Si quis præter propriam culpam, in extrema inopia victus aut vestium, adversus frigus necessarium verseter neque ab aliis locupletioribus atque abundantibus, precibus pretio aut oblata sua opera, ut ultro sibi illas concederent impetrare potent; citra crimen furti aut rapinæ, vi vel clanculum illas subducere poterit; præsertim si intentionem habuerit eorum æstimationem præstandi quando occasio oblata fuerit."—*Puffendorf*, book i. cap. 5, sec. 13.

† Chap. 6.

state of things must again return. Hence it is, that the author falls into inextricable difficulties, by maintaining that however tyrannically a king may conduct himself, he never can be justly punished by his people.

The author says that sovereignty over persons can never be acquired by violence or occupation, as in the case of lands or houses. To constitute allegiance a consent to obey must be obtained from the subjected parties, otherwise their right to throw off the foreign yoke whenever they can, remains with them. On the other hand, a subject may throw off his subjection to a prince, by voluntarily removing to another state; providing no law or custom intervene. No state can have the power to expel a citizen from his country without he has committed some offence. It loses all authority over a banished man.

JOHN BARBEYRAC.—“*Law of Nature and Nations*,” 1720. This author was the translator of both Grotius and Puffendorf’s treatises; and is pretty well-known to most English and French readers on general polity. His views of governmental questions, though not always profound and unexceptionable, are, nevertheless, clearly and succinctly stated.

CHRISTIAN WOLFF, published at Berlin, in 1752, his “*Law of Nature*,” in eight volumes, and near about the same time, his “*Law of Nations*,” issued from the press. This work is heavy reading; and the great leading maxims of general polity which it aims at illustrating, are far from being treated in that plain and perspicuous style, so much required for general readers, and youthful students.

EMER DE VATTEL.—“*Droits des Gens, ou Principes*

swer to the Italian writer, there is a great portion of the discussion occupied with an examination into the leading principles of general polity.

GUILLAUME WILLAERT.—“Cinquante Discours de Metiers d'Estat,” Bruxelles, 1632. This treatise discusses pretty fully all matters touching the government of a state. Princes are admonished not to irritate their subjects, but, on the contrary, it is a wise and prudent course to grant their reasonable and just claims, before public excitement has gained so much strength, as to jeopardise the interests of the state in repressing it. This is not, however, a work professing to discuss the abstract principles of politics, but simply to contrast the modern plan of governing nations, with the principles of legislation acted on in ancient times. The sixth chapter of the second book is especially worthy the attention of the theoretical politician.

CLAUDE SALMASIUS.—“*Librorum de Primatu Papæ*,” 1642. This is a voluminous and learned work on the power and authority of the pope. He was likewise the author of “*Defensio Regia pro Carolo I.*” a work which created a good deal of discussion and interest in England, as well as in other countries of Europe, and which was formally and vigorously answered by the immortal John Milton.

Salmasius was, at this time, one of the professors of the University of Leyden, and a man that enjoyed the reputation of being one of the most profound and learned of his day.

The author takes high ground as to the nature of *divine right*. “A king,” says he, “what is a king? Plainly he whose is the supreme power in the state; a power beholden to none but God, to whom alone the

king is obliged to render a reason of his acts, and to none besides; he who may do what he likes, who is exempt from laws, who gives laws but receives none; and hence judges all, but is himself judged by none." He fortifies this position by an immense number of authorities, drawn from all ages and nations. "So of old," says he, "judged the east, so the west. In the regions of the north and the south, wherever kings reigned, their subjects had no other opinion, no other custom. Assyrians, Medes, Persians, Jews, Greeks, Pagans, Christians, thought thus." The author likewise quotes William of Malmesbury, Matthew Paris, Gervasius, and even endeavours to strengthen his arguments from Aristotle, Tacitus, Juvenal, and other ancient writers and politicians. In the tenth, eleventh, and twelfth books, he enters upon the character of Charles, and the various proceedings of the party who procured his death*.

PETER DU MOULIN, (the younger) "*Regii Sanguinis Clamor ad Cælum*," Hagæ, 1652. This work is written in condemnation of the death of Charles I., and in opposition to the sentiments previously published by Milton, on the same subject. Moulin charges the poet with not being able to produce a single person of note, with the exception of a Scotchman of the name of Knox. Milton retorts by saying that he had on his side the authority of Calvin, and many other eminent divines of the reformed churches†.

MELCHIOR INCHOFER, this writer was a native of Vienna, and became a member of the Jesuits' College in Rome. In 1550, his "*Monarcha Solipsorum*," which is a severe satire upon the politics of the disciples of

* Defen. Regia, c. 2.

† Milton's Prose Works, vol. ii. London, 1806.

Loyola, was published, but after his death, which took place in 1648.

NICHOLAS SANDERS, a native of England, born in 1527, published at Louvain, in Belgium, "*De Visibili Monarchia Ecclesiæ*," in 1651. The work has for its aim to establish the political and religious supremacy of the pope. It is an able treatise of its kind.

VOET GISBERT.—"*Politica Ecclesiastica*," 1662. This author was a Dutch theologian, and a man of considerable learning and ability. The principles embodied in the above treatise, are chiefly those which show the necessary connection subsisting between church and state.

FRANCOIS S. D'ALQUIE wrote his "*Recherches Politiques*" in 1669. A great number of the leading principles of political science will be found in this work, under the modest form of giving advice to princes, and making casual remarks upon the different modes in which nations may be governed. The whole treatise is full of good sense, and acute observation.

SPINOZA. — "*Tractatus-Theologico-Politicus*," 1670. This author is better known in the literary world as a metaphysician and philosopher, than a politician; yet his disquisitions on government are well entitled to a passing notice.

The author tells us, at the outset, that, in speculating on human governments, we must take mankind just as we find them. That all schemes or theories which assume a greater degree of perfection in human nature, than a history of our species displays, must be illusory and chimerical. Hence, in his judgment, the best guides in politics are men of practical skill and observation.

vantage, or fears of injury, become very powerful in either party, all formal agreements are thrown to the winds.

There is a strange compound of liberty and despotism in the political writings of Spinoza. He seems always greatly alarmed at the idea of despotic power; and yet he has not the resolution to confer sufficient authority on the citizens, so as to enable them to shelter themselves effectually from it. He admits that the fundamental laws of the social contract may be broken by the people, when, on the whole, it is safe and advantageous to do so. But then this admission of popular right is hedged about with so many qualifications and reservations, that the principle becomes completely nugatory. By denying to the citizens the right of judging of the public good, and placing in the hands of the chief magistrate the power of producing ultimate change in the constitutional form of the government, everything bearing the most remote semblance of popular liberty, is completely annihilated. He enters a solemn protest against placing absolute power in the hands of any single man, no matter what his private and public qualifications may be; because he says, and very justly, that the people can have no security from oppression and misery, but the mere caprices of the individual. War, he says, is preferable to such a state of things. But instead of following out a principle of this kind, which he seems to have zealously and sincerely adopted, to its legitimate limits, he turns round and makes a full recantation of all that he had just before so eagerly contended for. All this shows that he had either not fully understood his subject, or that he lacked the moral courage to maintain his opinions.

We shall say a few words on his idea of a well regulated monarchy. The citizens are to be divided into families. From each of these, counsellors of fifty years of age, are to be chosen by the king, who are to go out of office by rotation every five years. The assembly of these counsellors is termed a senate. Its duty is to take cognizance of everything relative to the state; and the king is to be guided by its unanimous opinion. To confer, however, a little discretionary power on the kingly office, he may, in case of a difference of opinion on matters submitted to his consideration, give his suffrage to the minority of the senate, providing that minority is not less than one hundred counsellors. The citizens are to be enrolled as a militia; for a standing army, is, in the opinion of the author, inimical to constitutional freedom.

From this monarchical scheme of government, Spinoza proceeds to examine another, called an aristocratic republic. He takes the constitution of Venice as a model, but dissents from the authority of an elective doge. There is to be here a great council of *five thousand*; in order that the people may have a sufficient safeguard for the close oligarchy of a few families, who, in all limited assemblies, where extensive power is enjoyed, always become ready instruments of corruption. The members of this extensive council, are to be self-elected; because, this mode of choice constitutes the very nature and essence of aristocratic power.

Spinoza is not favourable to a monarchical form of government, for this, among other reasons, that as one man cannot really govern a multitude, the most absolute monarchy becomes a practical aristocracy, in the

hands of the ministers and advisers of the king. He likewise remarks, that monarchy is most secure when it is so constituted as to divert all its powers and influences to the promotion of the public good. He thinks a large aristocracy the best form of government, and the most favourable to civil liberty.

The author's chapter on democracy is left unfinished. He thinks democratic institutions liable to many objections and abuses. He zealously defends the doctrine of toleration, and objects to an established form of religion.

"*Avis aux Refugiez*," Amsterdam, 1690. It is not very accurately ascertained who is the author of this work. Some ascribe it to Bayle, some to Pelisson, and some to Larroque. But the general balance of evidence, seems to be in favour of the first-named writer. It is a satirical production, and recommends to all those persons who had taken refuge in Holland, on account of political or religious persecutions, to cultivate a spirit of humility and passive obedience, to entertain reverential and loyal sentiments towards the king of France and his government, and to despise the novel and seditious principles of the English Revolution. The point of the work arises from this circumstance, that nearly all these refugees entertained high notions of civil and religious liberty, and were by no means overflowing with loyalty for kingly authority.

From the revival of learning in Italy, till the end of the seventeenth century, the university of Louvain occupied a prominent position in reference to knowledge and science of all kinds; and many of her professors wrote able and voluminous treatises on the elementary principles of general polity. There are

upwards of a hundred works, great and small, on political matters, which date their origin from this renowned seat of speculation; but few of them would excite any interest among the reading politicians of the present day. These books were not, however, without their influence at the times they respectively appeared. They were generally narrow in their plans of discussion, and intolerant in spirit; treating of the civil privileges of individuals, and the relations of states with each other, through the exclusive mediums of moral philosophy and theology. This circumstance stamps the whole body of them with a unity and sombreness of character, which damps the feelings and aspirations of the mind, and which directly tells it, in plain and emphatic terms, "thus far thou shalt go, and no further."

As a counterpoise to this huge mass of dull and monotonous political disquisition, we have the writings of the protestant clergy and others, who always kept up a brisk fire upon the citadel of prescriptive right and dogmatic authority. The most able and active of these writers were Bayle, Le Clerc, and Jurieu.

The articles on politics in Bayle's "Dictionary" are numerous, and many of them valuable. His remarks on toleration, persecution, and liberty of conscience, are entitled to especial notice. Like all his contemporaries, his views on civil and religious freedom were unsteady and inconsistent. He breathes an intolerant spirit in some parts of his writings. He proposes a league of all christian princes, and even of infidels, against popery; and says, "*Ce ne seront pas une ligue moins honorable que celle qu'on feroit contre les corsaires de Barbarie.*"

The various writings of JOHN LECLERC, diffused throughout Holland and French Flanders, a liberal and enlightened spirit on political and religious freedom. He was one of those philosophers to whom civil liberty owes much. He was irritable and dogmatic in temper ; but he entertained correct views on all the leading principles of toleration and civil right. He was the author of several works which excited and sustained, for many years, a spirit of inquiry and discussion among the learned in Europe, highly favourable to the extension of political knowledge. The most important and best known of these, is his "Bibliothèque Choisée."

JURIEU was called the Goliath of the protestants. He was the author of a "Preservative against Popery," "Politique du Clergé," and other works connected with the rights of private judgment, and the connection between church and state. Bayle charges him with sometimes writing for, and sometimes against, toleration. Jurieu is accused of maintaining that "Paganism would still have kept its ground, and three quarters of Europe would have been pagans at this day, had not Constantine and his successors employed their authority in the extirpation of it."

The collection of placards and ordinances of Brabant, from the year 1220 to 1664, are very curious and interesting. They were published at Antwerp, in four volumes folio, by Ant. Anselme, in 1740. In the Harleian manuscripts, No. 7015, there is a collection of MS. gazettes, in the French language, dated from the Hague, for the years 1620 to 1623, relative to public transactions in all parts of Europe.

ANDREW MODREVIO published, at Basil, 1569, his

"De Republica," an able work on the general necessity of state reformation. The author's views of politics generally are of an eclectic character.

GERARD NOODT, of Leyden, published, in 1699, "A Dissertation on Sovereign Power." This work contains many sentiments and doctrines favourable to public freedom. "Sovereignty," says he, "is not, like the laws of social union, derived from nature; for all men being born free, and constituted by nature supreme judges in everything relating to their own advantage, sovereigns have been created voluntarily, and by mutual consent: and although upon the establishment of civil government, individuals be deprived of the power of asserting their own privileges, or redressing their own injuries; and though they be no longer at liberty to will anything except what the supreme magistrate judges to be for the good of the society; yet the civil power is not supposed to be left at liberty to counteract the public welfare. Government was established for quite different ends. It was not founded for the destruction, but for the safety and protection of the citizens. Nor could the people even suppose themselves under any obligation to submit to all the madness and caprices of a prince under whose protection they had originally placed themselves, in the full confidence of his fidelity and justice. Can we conceive that men endued with common sense, who had united under the same kind of government to secure the quiet and peaceful possession of the gifts of nature, could ever arrive at such a pitch of folly, as, (after the establishment of civil government,) to counteract those very ends for which it was originally designed? or merely out of respect for their sovereign

to renounce all their natural rights and advantages? Should they be so simple and destitute of public spirit, they would henceforth be treated like a flock of sheep, or a herd of cattle, from which the owner draws all the profit he can, which he feeds or drives about, milks or clips, flays or eats, just as he thinks proper. Away with thoughts so repugnant to right reason, from which common sense and the law of nature equally recoil."

Noodt was the author of a treatise on usury, 1698, in which he defends its lawfulness, both in the eye of reason and religion. He treats the general question through the entire mass of Roman law.

"Les Héros de la Ligue," was a satirical production of Holland, 1691, which created considerable public interest, when published. It was illustrated by twenty-four caricatures of great wit and drollery.

JOHN DE WITT, was one of the most talented of European statesmen in the seventeenth century. He was a native of Dort, in Holland, and took a very active part in the legislative affairs of that country. When it was invaded, however, by the French in 1672, civil dissension overspread the entire kingdom; and he, and his brother Cornelius, were barbarously murdered by the populace.

His work on "The True Interests and Political Maxims of the Republic of Holland," displays an intimate acquaintance with legislative science, and a truly enlightened and liberal mind. The first chapter of his work, on the general maxims of state, shows how profoundly he had studied both ancient and modern writers on constitutional subjects, the nature of civil law, and the law of nations.

On religious toleration the author observes, "All christian clergymen ought to rest satisfied, according to their master's doctrine, to enlighten the minds of men with the truth, and to show them the way to eternal life, and afterwards to endeavour to persuade and turn such enlightened persons in all humility and meekness into the paths that lead to salvation. It is evident that all people, especially christians, and more particularly their public teachers, ought to be far from compelling, either by spiritual or bodily punishment, those that for want of light and persuasion are not inclined to go to the public church, to do any outward act, or to speak any words contrary to their judgment*."

LEIBNITZ.—"Methodi Novæ discendæ docendæque Jurisprudentiæ" 1667; "Corporis Juris Reconconnandi Ratio," 1668.

Leibnitz, may be considered as the parent of the present system of philosophising on politics in Germany. This distinguished man, was as deeply conversant in jurisprudence, as in metaphysics and mathematics. His views of politics were, that all the states in western Europe, at least, ought to be united into one christian body; that the pope of Rome, ought to be the spiritual, as well as the temporal head of this body. An universal jurisdiction should be conferred upon him, both as pope and as emperor; the first, exercising his powers in the repressing of heresy; and the latter, in preserving the political and civil integrity of the kingdom. The title of majesty is to be given to the ruling head, and the kingdom itself, is to be designated as the holy kingdom. In Leibnitz's opinion,

the laws which relate to human affairs, have a great appearance of arbitrary power. But a being endowed with reason and freewill, will not submit to a moral law, with the same certainty and precision as material bodies submit to the power of gravitation. In the voluntary observance of a moral law consists the felicity of man ; it is in the possession of this right, that the dignity of human nature is founded. Human ideas have an absolute, as well as a relative existence ; every one has a centre of its own, as well as power and sympathy to arrange itself around a common centre on every side. This common centre is the absolute ; it is God. There ought to exist in the regions of the ideal, a general tendency of all things to verge to the Almighty. Even in material nature, we see that the individual and finite, is arranged around the general and infinite. Thus, in spite of all first appearances, the human thought ought to verge perpetually towards, and make every effort to unite itself to him, the source of all intelligence. When this movement of the human intellect is consummated, it will lose itself in sovereign good.

A state or nation is the realisation of public life relatively to morality, religion, science, and art. It is the animated, living, and external symbol of reason ; it is a piece of living organism, or a manifestation of existence in complete harmony with liberty and necessity, the principles which preside at the birth of humanity. The state, as an organised whole, does not exist solely for such or such an end ; it exists of itself ; by virtue of its own innate attributes or powers. A nation is not a mass of human beings merely raised up, and huddled together, by some fortuitous accident ; nor

a place where neither personal or individual life are recognised. A well constituted state does, on the contrary, unite two distinct things, that of public and individual life. For this reason it is that the despotism of one as well as the despotism of the many, ought to be banished from every well governed country. Whenever the will of the one, or the will of the many, reigns supreme, the liberty of both must be abridged and impaired. The state is not a convention made on a particular day; it is not born of the will of one, or of the will of many; but it is a machine, so to speak, put in motion by the instincts, wants, desires, and hopes of all. The state, like an organised body, augments in bulk and strength, from the most imperfect forms, to those which approach the nearest to perfection; until it has attained that limit beyond which it cannot pass. A state is the work of reason tending to display itself externally in proportion as it is awakened in the popular masses.

Art is the free and spontaneous creation of a mode by which the human mind externally realises the intentions of the eternal reason. Art is also the manifestation of the movement evolved by the absolute, which we have already noticed; it is, in fact, simply a continued revelation of God in the mind of man. Nature and liberty equally concur in the production of art. Genius, as we find the term applied to immortal creations, is a gift of nature, which, under this form, is not of itself, conscious of its own value or importance; but talent, which develops and fructifies the germ, is a national exercise of the liberty of the artist. Without talent, genius could neither be transmitted nor conferred. Genius is a magnificent crown placed on the head of some of us; but such a king of divine

right, could never accomplish any glorious exploit, but would have to content himself with the beggarly elements of power. What a number of things are requisite to the production and perfection of art. Repose and grandeur, must be united to great animation of life; speaking to the senses, as well as to the intelligence and reason; and seizing man, as a whole, both in his earthly and divine attributes.

History exists from necessity. It exists because the external realisation of the notion of right, which is innate in man, is a task imposed on him, and from which he cannot divest himself. All the movements and efforts of beings endowed with reason converge towards this end. History is also a realisation of objectivity; of a notion existing primarily in human intelligence. The arts and sciences appertain only indirectly to history; the recitals of their progress are only accessories to history, properly so called; they belong to it, inasmuch as they enable humanity to gain its purposes in a specified portion of time. But that which is necessarily implied in history is an indefinite progression; which is, consequently, that of perfectability.

This perfectability is, however, denied by many philosophers; but if they were consistent with themselves, they ought also to deny history itself. If man were deprived, by this attribute, of perfectability, what would history be? Why the history of an animal would be as interesting as the history of the most distinguished and gifted of the human race. But man has a history precisely because, he constantly keeps adding to the perfections of his nature. He is not an immoveable statue; he does not move always in a circle; he proceeds in a line where each step he makes adds

to those which are to bring him to his final destination. The measure of his progress is certainly difficult to ascertain ; one class of persons measure their perfections by the progress they make in arts and sciences ; and others by the progress they make in social and political morality. Both methods are not devoid of inconvenience. There is another method which seems more rational. If the object of history be truly a successive realisation of the notion or idea of right, it is more natural to measure the progress of humanity, by the distance of the path which men have travelled to obtain the end. If we are far removed from this end, experience and theory will still assist us in estimating the progress we are making.


The successive realisation of the notion of right is the state or condition of liberty ; beyond this, by virtue of the order of things, liberty would not exist. It would be an alien, without a country and without a home ; or a parasitical plant, or an accidental excrescence in the social order of things. But liberty is inherent in humanity ; and humanity places implicit confidence in it, for the fruits which it bears, and the end it is calculated to attain. If we were denuded of this attribute, we should never wish to do anything ; we should find ourselves circumscribed within very narrow limits on earth ; we should have no courage to exert that which is demanded of us by the law of duty ; nor should we find ourselves susceptible of the heroism of making a personal sacrifice for the good of others.

There are none of us whose belief in the ultimate value of such sacrifices does not need to be supported and strengthened in the hour of trial ; or who do not

require our minds to be consequently impressed with the idea, that this devotion to the public good is the valuable prize set before us, in our journeying through life. Now this moral and political discipline of mind, so to speak, is grounded upon a firm persuasion of human liberty. We believe that this power puts in motion the whole fabric of society; and is, indeed, the foundation on which that society rests. If man be free in relation to the moral and the political deeds which he does, he brings himself then under the cognizance of a law, and is responsible for them. He cannot take shelter under a material and fatal necessity. I am free to throw the stone I have in my hand, or not throw it; but I must yield to the power of universal gravitation, whether I will or no. Every person, then, endowed with practical reason, puts in play his own free-will, as if he were the only person in the creation, and there were no other beings but himself in existence. At first sight, it would seem as if all his actions would oppose each other, and would diverge into counter channels; never concurring to a common result, nor working for the promotion of a final end or object. But underneath this seeming discordancy, there is a beautiful and perfect harmony. When individuals act, they consult only their own free-will, yet by a secret and hidden necessity, they produce not less, an order of events, pre-determined and chalked out before-hand. To the ordinary eye, the affairs of men in societies never appear for a single moment fixed or determined; but by looking a little beneath the surface, we see all the actions, which have taken their rise from the free-will of individuals, steadily and unerringly directed to a given end. An universal synthesis; a secret tie,

establishes, between all these diverse actions, a perfect harmony ; and it is this process which constitutes the entire development of historical truth. By means of this absolute synthesis, all things are previously arranged, fixed, and calculated upon ; and thus it is that opposing forces, and the most contradictory appearances, are moulded into one beautiful and harmonious system. Now it is solely in the bosom of the absolute, that this can happen.

In this point of view we are obliged to admit in nature, something like a mechanical process by which certain results are fixed before-hand to our actions. It is by this that the activity of the human species is productive of a general end or object assigned to it. The laws of nature and those of intuition, find themselves, at bottom, absolutely identical with all intelligences. Here identity finds itself the universal objective of all intelligence ; an identity which renders possible the predetermination of all history as a means of framing an absolute synthesis. These are the developments of this synthesis, traversing a certain series of circumstances, and which constitute history itself. Now, this harmony between the end attained, that is to say, the objective, and the force which acts upon the objective, that is conscience, or human activity ; this harmony, we say, can exist only by supposing the existence of another active principle. *This new power is one of three things, but of a more dignified and lofty character than the other two ; it is the real source from which the other two take their rise. This new power has already been named ; it is the absolute. It alone is the foundation of the identity of the subjective with the objective. It forms the basis of the



identity of the individual with the species; and enchains him by a thousand ties.

In the preceding observations we readily detect the two points of view under which history may be considered; namely, the objective and the subjective. In the first, history appears to us as an entire predetermined thing; it seems far removed from the influence of voluntary power; and to be blind, stripped of consciousness, inflexible in its determinations, and completely analagous to what we commonly denominate *destiny*. Under this aspect history displays a perfect system of fatality. In the second point of view, when we are occupied with the subjective, that is to say, human activity, a thing essentially free and modifying, history seems to us nothing more than an assemblage of phenomena, produced and following each other by chance, either in time or in space. All order, regularity, and providential dispensation, disappear; chance is the only sovereign, the only god of the universe. To arrive at the fundamental idea of history, however, we must raise ourselves above these two points of view; then we shall see both necessity and chance left in the distance. Providence will now take their place; or rather, we should say, chance and fate, acting in a restrained circle, always determined themselves, shall remain for ever chained at the foot of the throne of an eternal and superintending providence.

It is necessary to recognise in history a progressive and continued manifestation of the absolute; in other terms, history is still nothing more nor less than a permanent revelation of the deity's will to man. In history the almighty does not appear personally pre-

nations, to whose laws, government, customs, and knowledge, they had previously been entire strangers. Here it is that we recognise the hand of nature ; whose constant effort is, to produce among all men a common bond of union and action. In the third period we have the manifestations of providence. Now, the works of destiny and nature, receive a fresh character ; showing themselves as works in which an all-seeing, all-wise, and provident being has a direct share. The two preceding epochs were, in truth, only a preparation for the display of providential power ; the first dawn to usher in the glorious effulgence of the divine day. The time when this day shall arrive, no one knows. Under these three names of destiny, nature, and providence, it is necessary to recognise the same individual principle, which is always identical with itself, but displayed to man under different phases, namely the *absolute*.

At the point of departure of humanity, we recognise the notion of right ; and at the end or consummation of it, we fully realise this notion. These are the two columns of Hercules through which we must pass. There will be an amalgamation of all people into one people, and all states into one state ; in which we shall recognise no rule or law but that good, just, legitimate, and regenerated right. This will form the throne, and the external symbol of the realisation of the ideal notion of right in all its comprehensiveness and universality. But when shall man be empowered to run this glorious career ? what impulse shall he obey ? Shall he obey the dictates of his own will, or be subjected to a foreign influence ? Is he really free, and independent ? or is he merely an instrument in the

hands of a foreign master? Here is the commencement of difficulties.

Intoxicated with the sentiment of liberty, man reigns upon the earth as the sovereign and absolute lord of all; but before his steps, a stern and inflexible necessity indicates, with its finger, its supreme authority.

To conciliate this apparent contradiction, it may, perhaps, prove useful to borrow a symbol from the material universe. Physical movement appears, then, to be considered as a type and symbol of the moral, intellectual movements of humanity; the intellectual movements seem even assimilated to material forces. Now, every movement occasioned by the impulsion of another force, always disturbs two other forces; the combination of the two forces characterises the path traced out by this movement. In this, motion obeys an uniform power composed of two forces; the one forms a providential force, which, from its point of departure, verges towards an indicated end or object; the other, humanity, which is inspired with the absolute freedom of will or activity. One of these powers will represent necessity, which is immutable and eternal; the other will represent liberty, which is spontaneous, variable, and accidental. But as we have said, both forces are confounded in another, which is superior to both, and which make both produce one effect; and that effect is the good of civil society; the grand end of political philosophy.

Such is the political system of Leibnitz, as developed in his various philosophical works. Its great influence over the speculations of subsequent continental writers will appear more obvious when we

come to examine the theories of modern date; more especially those which have been propounded in the States of Germany within the last century.

The political writings known in Hungary, Bohemia, Moravia, and Galacia, before the termination of the seventeenth century, were very scanty. In the several collegiate institutions of these kingdoms, translations of Aristotle's *politics* were commonly made text-books, and were more or less in use among the professors of law, moral philosophy, and doctrinal divinity; but the range of political speculation was here extremely limited. There were several writers in the sixteenth century who treated of such civil rights and privileges as the people in these respective countries then enjoyed; such, for example, as the rights of the nobles and peasants in Hungary, whose mutual contentions gave rise to great commotions about a couple of centuries ago. But in these sections of Europe, politics, as a science, were almost entirely unknown, even by name, till the commencement of the last century.

In the sixteenth century there were several political writers in Poland. Andreas Patricius, collected the scattered fragments then known of the "De Republica" of Cicero, and wrote a learned preface to them.

GOZLISKI.—"De Sanatore Perfecto," 1550. This Polish author was chancellor and prime minister to Sigismund II., and was distinguished throughout Europe for his political writings. This work excited great attention among theoretical politicians in Italy, Germany, France, and England. It has been supposed by some critics that his "Accomplished Senator," was chiefly taken from Cicero's "De Republica," a copy of which, some chronicles affirm, was


orders and degrees of men in power; and accordingly that the Lacedæmonian state was well-formed and constituted; because all power therein was divided between a monarch or king; a senate or body of nobles; and the people, represented by their ephori, who were elected out of their own body. Polybius extols the Roman government above all others whatsoever, because it consisted of a king, senate, and people. The powers were so well tempered and mingled together that the king could not fly into tyranny and insolence for fear of the people, nor the people despise and insult their king for fear of the senate. This sort of government hath ever been reputed, and with very good reason, to be the best conditioned and most excellent; for as it is in music, whether vocal or instrumental, where a multitude and variety of distinct and different notes are put together, in order to make just and true concord; so, from an agreement between the upper, middle, and lower order of mankind, arises that true political concord which answers to harmony in sounds, and which is cemented and held together by what it naturally produces—the common good and welfare of society.”

According to the views of Gozliski, party spirit in a state, when it runs high, is a great bar to the progress of sound and comprehensive political information. On this point, his English translator, Oldisworth, makes the following pertinent observations. “Gozliski wrote at a time when the world was unacquainted with parties which have since harassed and perplexed other estates and nations beside our own. Nothing, therefore, that he has said can be suspected of the least tendency towards what himself hath condemned in

general with so much vigour and zeal. When parties are silent is the time for him to be heard, not only patiently but with regard and deference. If any fresh seeds of discord are now sown, or any new fires to be kindled, and if party, our old inveterate enemy, is once more preparing to visit us under a new name, and in another shape, Gozliski's precepts and institutions, are an admirable prescription for preventing the rise and growth of such a public malady; and by fixing our minds on the one great fundamental principle, the *love of our country and the common good*, will divert us from all disputes and debates, unless upon this one thing necessary, and which alone can justify us in our dissensions and disagreements with our fellow subjects."

Gozliski makes an important remark or two on the mode of taking the suffrages of the people, for the election of magistrates or senators. "Let the electors," says he, "depend altogether on the general judgment, the fixed and established opinion, and the experience which the best and wisest of their fellow-subjects have of a man's character. An established character, which is well supported by the prevailing and concurrent testimony of the best and wisest members of society, is the very height of glory, and the noblest qualification for all the honours our country can bestow upon us; while the popular *urn* or *ballot-box* is only one of blind Fortune's tools and instruments, by which she deals out honours and offices, in a loose uncertain way, and scatters them at random, without reason and without judgment."

There were several works published in Poland on general polity, previous to the year 1700. The most of these were, however, mere abstract and academical



productions, treating of the principles of civil law, in conjunction with the ordinary maxims of moral philosophy.

From the close of the twelfth to the half of the thirteenth century, Denmark boasts of a number of learned men. But after this time literature and mental inquiry fell into a state of almost utter neglect, till about the middle of the fifteenth century. A few years after, the university of Copenhagen was founded, and, in a short period afterwards, the art of printing was introduced, which roused the dormant faculties of the nation. This made way for the introduction of the religious and political doctrines of the Reformation; and from that date to the present hour, there has been a gradual, though somewhat fitful, progress of liberal and enlightened views of political science in this country.

Soon after the establishment of the university, in 1478, we find, from some college class books, that the general polity of nations was studied in Denmark; but the range of subjects, and the manner of treating them, were very meagre and circumscribed. Some years afterwards the university course of studies took a more wholesome and efficient direction, under the government of Christian IV.; and historians tell us, that he was particularly anxious that enlightened views should be entertained and disseminated of the great principles of citizenship, by direct investigations into those subjects involved in the comprehensive motto which encircled his crown, "*Salus populi suprema lex.*"

It appears, however, that the liberality of this prince in giving a political direction to the youthful studies

of the community, did not meet with the countenance and approval of the landed aristocracy and the high church party. A hostile opposition was speedily organised; and it succeeded in giving a powerful check to the political writings of the day. The famous Tycho Brahe was sent into exile for the liberal cast of his political sentiments; and the Rev. Anders Sorensen Vedel, the editor of a collection of popular ballads, which breathed an air of freedom considered dangerous for the time, was deprived of his situation as royal historiographer; and several other distinguished men and ministers of religion lost their situations, and were doomed to linger out their existence in penury at home or abroad, for having expressed their political opinions too freely in their several writings. At the Revolution of 1660, political inquiry received a severe check; for the Danish people invested their sovereign with absolute power, and, in words the most emphatic, expressly declared that he was accountable only to Him to whom all princes and rulers are accountable.

After this suicidal act, enlightened and liberal investigations into political science were out of the question. Ole Rosenkrants ventured, however, to publish his "*Apologia Nobilitatis Danicæ*," in which he ably contended for the elective in opposition to an absolute monarchy; but for this bold act he was fined 20,000 rix dollars, besides incurring the royal displeasure. Professor Nold was likewise removed from his chair of divinity, for some liberal expressions on public freedom inserted in an elementary work on logic. This severe repressive policy prevailed to the end of the seventeenth century.

About the year 1600, NICHOLAS KRAAGIUS, pub-

lished in Denmark his "De Republica Lacedemoniorum," and displayed in his other writings a very enlightened view of the nature and objects of civil society. From the establishment of the university of Copenhagen, till the end of the seventeenth century, we find about forty treatises on politics, published by professors of this seat of learning; many of these works being, however, only short dissertations on some particular branch of legislative science, or general class-books for academical purposes. The politics of Greece and Rome seem to have been always standard themes with the Danish *savans*; though they did occasionally think for themselves, and propound their own views of legislative principles of government. In one of these works, published at Copenhagen in 1601, we find the following enlightened remarks on the mutual relationship subsisting between the kingly office and the people. "Compulsory obedience, advanced by the transcendent power of prerogative, is invariably too weak to support of itself the right of government. It is the affections and estates of a community, bound with the threads of obedience by the rules of wholesome laws, that impart safety and perpetuity to a crown. In the experience of by-gone ages, and in the reigns of the most powerful monarchies, this has been fully tested to be the most sovereign preservative against the diseases of popular tumult and confusion; demonstrating to the world that the true honour and glory of every throne is to command the respect and goodwill of the people at large."

The civil and religious principles of the Reformation soon found their way into Sweden, and received the support and confidence of Gustavus Vasa, in 1527.

Before this period, there had been taught, at most of the universities of this country, a liberal and enlightened system of political philosophy, chiefly from the writings of the Greek and Roman philosophers, incorporated with many principles of personal freedom growing out of the peculiar habits and customs of the northern nations.

There were several political disquisitions published in this country at the end of the sixteenth century. The politics of Aristotle were published in 1577; and Gothus, a professor of theology, discussed the connexion subsisting between ecclesiastical and civil law. Several small works issued from the university of Upsala, at the commencement of the next century, on the general polity of nations; but down to the period of which we are now treating, there was no regular treatise on politics, as a complete science, written in the Swedish tongue*.

* See Note E, at the end of the volume.

CHAPTER VI.

POLITICAL LITERATURE OF SPAIN AND PORTUGAL, FROM
THE YEAR 1400, TO 1700.

THERE was no country in Europe in which politics, as a science, underwent a more general investigation and scrutiny, within the period we are now treating of, than in Spain; a country which we have been led from infancy to consider as the most dark and bigoted among civilised nations, and the most unsusceptible of political illumination and improvement. We invariably consider it as a kingdom doomed to utter speculative darkness, and as having no resources within itself for legislative discussion or renovation, even of the most rudimental character. The bigotry of the priesthood, and the tortures of the inquisition, are ever before our eyes; and yet, strange to say, it is among some of these very inquisitors, that we find many elaborate treatises on the abstract principles of government, displaying a freedom of inquiry, and a degree of talent and learning, which would do honour to any country possessing the most tolerant spirit, and enjoying the most unfettered exercise of political rights and privileges. The fact is, there is no want of political knowledge of a philosophical stamp in Spain, but it must be confessed that it stands prominently contrasted with other neighbouring nations as

singularly deficient in that *practical* freedom, which is justly considered as indispensable to the true happiness and prosperity of every community.

Looking at the Spanish mind, from an intellectual point of view, it cannot be considered a barren or stupid one. On the contrary, it is full to overflowing, with rare and rich materials. And we venture to affirm, that in no part of human speculation, has there been manifested more logical skill in arranging, and a greater ability in handling general principles, than in the scientific works of the Spaniards on politics and jurisprudence. No small portion of casuistical reasoning will doubtless be found incorporated with many of the very best treatises on these subjects; but still there is such an abundance of rich and sterling matter throughout their pages, that we are left without any reasonable cause of complaint. All these political disquisitions possess a distinctive character. They all discuss politics through the medium of the christian dispensation. This consideration may seem, at first sight, to imply a contracted and narrow foundation; yet the reader will find many able publications far removed from theological bigotry and intolerance.

This theological bias, impressed upon all the Spanish dissertations on political questions, arose from the great and predominating influence of the scholastic writings of Thomas Aquinas. All the leading teachers in the universities of Spain were devoted Thomists; and as the speculations of this celebrated writer were of the most profound and varied kind, there was scarcely any topic of human investigation that his numerous and zealous disciples did not attempt to harmonise with his peculiar dogmas and principles. Politics being a fruit-

ful subject of discussion and interest, naturally became impressed with the spirit of his philosophy. This spirit was characterised by extreme subtility and refinement, and a strong and perpetual tendency to foster casuistical and paradoxical reasonings on human life, and on the numerous and complicated relations which subsist between man and man in a state of social aggregation. Hence arose a vast body of abstract speculation on legislation and government, the great mass of which was unintelligible to all save to the few who were in some measure conversant with the "angelic" doctor's ideas on metaphysical, moral, and theological doctrines.

To attempt to unlock the hidden mysteries which lie at the root of all Spanish disquisitions on political matters, would be a hopeless and unprofitable task. We should have to wade through one huge folio volume after another, till the ordinary duration of human existence became absorbed in the inquiry. But there are two or three prominent points in the philosophy of Aquinas which we shall attempt to present before the reader's eye, and which may, perhaps, afford him some little assistance in comprehending the leading object which most of his disciples, in this part of Europe, have been desirous of establishing, in their several treatises, on the fundamental principles of general polity.

There are, we conceive, two leading ideas in the political views of Aquinas;—the one relates to power or authority relatively to God;—and power or authority, relatively to individuals.

The manifestations of power emanating from, and constantly depending upon deity, are evinced in the production and security of *order* and *harmony* in the

body politic. Political power is the same in its primordial essence as physical power; and the moral universe could no more exist without its constant presence and conservative influence, than could the material universe without the presiding care of that infinite intelligence, by whom it was at first called into being. The several communities of human beings scattered over the face of the globe, may be compared to the several divisions or sections of the physical world;—all having their separate offices to perform towards the production of a general result; but all radiating from a common centre of wisdom, justice, and right. The moral attributes of the supreme intelligence are the active influences which secure all the benefits which flow from the social and political associations of men, and which could never be possibly realised, unless they were constantly under the vivifying power of this divine emanation.

All human authority, of whatever kind, is a delegated authority from the divine nature. Except this authority be regulated in a certain manner, and be brought to bear upon all civil and legislative proceedings—except the wisdom, and justice, and right, and humanity shadowed forth in the divine character, be transferred to all social institutions—there can be no solid foundation for them, and anarchy, misrule, and confusion, must be their inevitable doom. The channels through which the moral attributes of deity shed their influence, so to speak, on the legislative institutions of men, are those, and those alone, which it is the express province of theology to institute and prepare.

All the several branches or departments of political

science, have one common object—the perfection of man. To raise him in the scale of existence is their grand aim. As many things are here set in motion to accomplish a definite end, there ought to be a regulating principle of their common and harmonious action. These several branches of political investigation imply a power of co-ordination and direction. We see in society that this power belongs to intellect; men of strong and robust frames are governed by those in whom mental activity and intelligence are combined. Political knowledge, the most vital of all sciences, must occupy itself with objects of the most intellectual cast. This mental sphere, in which the politician moves, may be considered under three relations or aspects. The first embraces a knowledge of political *causes*, as far as these can be accurately known and determined; for unless these can be well understood, no mere abstract principles of general polity can be made practically available to the common concerns and improvement of human life. The second, all sound maxims of social philosophy fall naturally back upon the purely abstract conceptions of men's moral and religious nature; and whenever these cease to be predominant, and lawgivers become chiefly guided by what falls directly under the *senses* of men, erroneous modes of legislation must necessarily prevail. To raise the polity of nations and communities out of the deep ruts of mere sensuous action, enjoyment, and influence, is one of the highest objects of civil philosophy to achieve. The third, to confer perfect intelligibility upon all political knowledge—to show its nature, modes of operation, and final purposes—it must be contemplated apart from material

conditions and relations; it must not be materialised, but viewed by the mind in all its spiritual refinement and clearness. Politics, in all their twistings and connections, are bound to the great doctrines of a supreme intelligence, and religious feelings and sentiments. To look at all social relations and questions through these several channels, is to take the right method of improving legislation and general government.

These few observations are calculated to impart but a very faint notion of the general scope of the political theory adopted by the followers of Aquinas; but they may, perhaps, help to throw some small share of light on what is in itself of a rather dark and mystical character.

Spanish political literature is characterised, among other things, for its very early and copious treatment of colonial legislation. The discovery of the American continent, placed both Spain and Portugal in a novel position, in reference to other nations; and called forth new principles of administrative science, and territorial right. The extensive and rapid conquests and colonisation of the western world, and the sudden and great influx of the precious metals, gave a new impetus to the entire European commonwealth; stimulating the mercantile enterprise of some, and enriching other states, to an unprecedented extent. All these weighty and material agencies naturally gave birth to political speculations of a somewhat novel stamp: and new problems in the science of government were multiplied in every direction. The sphere of political observation, and civil and legal experiment, was considerably widened. Hence it is, that we find so many works in

Spain and Portugal treating of colonial matters; embracing everything connected with the military and civil administration of the newly created governments of the west, and of all those general principles of polity which the parent states thought it expedient to lay down relative to their colonial territories. Although both countries showed but little wisdom in the management of these fine and fertile regions of the globe; yet the treatises written on the subject are by no means devoid of interest and value on this account. They are instructive to other nations even from the very erroneous theories and principles they often lay down and advocate.

POLITICAL WRITINGS OF THE JESUITS, 1540.—The origin of the Jesuits is well-known, therefore, we need not give any formal account of the rise of their institutions. Suffice it to say, for our present purpose, that one of the grand objects, if not the sole one, the founders of the Society of Jesus had in view, was a purely political one—the making all nations dependent upon the Roman see for power and authority.

The first school of the Jesuits was established at Gandia, in the kingdom of Valentia, in 1546. This school was made into a university by the pope and the king of Spain. “This,” says Mr. Hallam, “was the commencement of that vast influence they were speedily to acquire by the control of education. They began about the same time to scatter their missionaries over the east. This had been one of the great objects of their foundation. And when news was brought that thousands of barbarians had flocked to the preaching of Francis Xavier, that he had poured the waters of baptism on their heads, and raised the

the temporal potentates of the day, to strengthen their religious and political influence. Of all the papal auxiliaries, the Jesuits seemed the most desirable for the object in view. They were ardent, tenacious, skilful, and enduring. They proved themselves the pretorians and janissaries of the papacy; and like all such privileged and mercenary servants, they only weakened the country which supported them, and often shook the very throne itself, which they were called upon to strengthen and secure. "These are the marplots," said Pope Clement VIII. "who trouble the whole church."

With the exception of the nominal members, we can scarcely hope to find an honest and good man, who has any idea of the public welfare, among the fraternity of the Jesuits. These nominal members, it must be confessed, form a considerable majority of the sect; but then it is not a working majority. The really active and influential men are those who enter into public life; these are the living soul of the society—the instruments of all its power and influence—and those alone who successfully shroud the mysteries of the craft from their less obtrusive and ambitious brethren.

This order professes the most complete passive obedience to aristocratic societies generally. To secure the fulfilment of this desirable object, they have established a regularly concentrated system of espionage and intrigue. The whole body maintain the infallibility of the pope, and his right to universal political dominion. This renders it easy to explain why they were always such great favourites at Rome, and how liberally the favours of the successors of St. Peter,

Jesuits, on the contrary, saw in every reformatory movement, either religious or political, only a revolt against the papacy; and they stigmatised the innovators only as a herd of slaves, yoked to their masters. It was not, therefore, in the christian system they placed their strength, but in political chicanery and expedients. They adopted war, murder, imprisonment, and prescription, just as the occasion suited their present views and interests. The sincere and able catholics—the virtuous solitaries of the Port-Royal—were treated by them with the same rigour and brutality. Their livings were confiscated, their edifices demolished, and their very ashes exhumated, and thrown in derision to the winds of heaven. Kings, as well as their revolting subjects, if they did not throw themselves into the ultramontane arms of Rome, were devoted to the poisoned chalice or the assassin's poinard. From the risings of the north to the league with France—from the Spanish persecutions to the Portuguese usurpation—the whole of history is full of the doings of the Jesuits. The murder of Henry IV. — the attempts against Elizabeth — the conspiracy against Maurice of Nassau—the assassination of the king of Portugal—the massacres of Japan—the revolt of Paraguay—the fall of the Stuarts—and the death of Ganganelli, were a few of the dark deeds effected by the writings and intrigues of this political fraternity.

But we must not commit injustice even towards them. We must notice the good with the bad. As a body, the Jesuits resisted all ecclesiastical honours. They devoted themselves almost exclusively to learning and teaching. They laid hold of all places of

at the present moment, there are great doubts about what is, and what is not the political written creed of this famous fraternity. The subject is only susceptible of a very general examination and discussion*.

"It looks romance, but solemn archives show
What miracles were by the Jesuits work'd
O'er mind and mind, when *first* their princes waged
Heroic warfare for the pontiff's throne.
Never was Education so profound,
As their adapting genius, form'd and plann'd,
And carried out. * * * *

* * * *

Ignatius seem'd self-multiplied, and ruled
By their dark subtilities, o'er plots and plans
Tremendous, bloody, dismal, deep, and dire
As Rome conceiv'd, or policy preferr'd !
Thus do we find at infamous Versailles,
The poison'd words of persecuting Hate
Into the ears of Royalty distill'd
With potency how dread ! while patriot hearts
In Britain's court, were basely undermin'd
Or master'd ; every where they move,
And everything they touch, pervade and thrill ;
All places reach ; all powers affect, or change ;
No person safe, no principle secure !
From cot to court, from king to subject down,
Their zeal doth like an omnipresence act.
Alike to them, to whom the Pope is God,
All powers of state, all governments the same !
Each to his church, is creature, slave, and tool ;

* Ellendorf. "Die Moral und Politik der Jesuiten, nach den Schriften der vorzüglichsten theologischen Autoren dieses Ordens, 8vo, Darmstadt, 1840.

Alphonsus de Andrada. "De los Varones ilustres de la Compania de I.H.S." Madrid.

Andreas Pérez de Ribas. "Triunfos de la Compania en la Nueva Espana."
"Labor Evangelica de los Jesuitas en Phillipinas." Alvarez, "Historia de la Provincia de Aragon."

Tellez. "Chronica da Copanhia de Jesus da Provincia de Portugal."

Ludovicus Vives. "Relatio gestorum Patrum Societatis," 1596.

founded on the common sense, and the ordinary feelings of mankind. Authority may obtain obedience to any laws to a certain extent; but where they shock the sentiments of the world, they will be continually eluded; and eluded too with impunity. When they do violence to our feelings, good and humane men connive at their open or secret violations, because they seem disproportionate to the punishment inflicted. The blame is transferred from the culprit to the unreasonableness of the law itself.

The reform doctrines of Germany were not long in finding their way to Spain. As early as 1519, the doctrines of Luther were promulgated throughout all the leading seminaries of public instruction in the kingdom; and though they appeared in the Latin language, it was not long after this till they were rendered into the Spanish tongue, and made the common inheritance of the mass of the people. The writings of Erasmus, containing more valuable and pointed political instruction, were very generally read and admired. His "Colloquies," "Praise of Folly," and other writings were in every one's hand, and had even been officially introduced into many of the public schools, both in chief cities and provincial towns.

The progress of reform sentiments alarmed the church and the civil authorities, and they put in force the whole powers of the Inquisition; and it is chiefly to the energetic labours of this court, that catholic writers have attributed their deliverance from religious and civil anarchy. One of them says, "Had not the Inquisition taken care in time to put a stop to these preachers, the protestant religion would have run through Spain like wildfire; people of all ranks, and

native historians of Spain were prevented from speaking the truth, histories written by foreigners were forbidden under the severest pains, as satires on the policy and religion of the Peninsula. The consequence has been, that the Spaniards entertain the most erroneous conceptions of their own history, and are profoundly ignorant of the affairs of other countries."

This continual watchfulness of the press, exercised the most chilling influence on intellectual exercises of every kind. An able modern writer justly observes, "It is rather to be considered worthy of notice, that didactic prose should have had any merit, or obtained any success in Spain during the sixteenth and seventeenth centuries. For the end it proposed is not, like that of poetry, to amuse, but, like that of philosophy, to enlighten and amend; and how dangerous in Spain was the social position of any teacher or moral monitor, who claimed for himself that degree of independence of opinion without which instruction becomes a dead form, needs not now to be set forth. Few persons, in that unhappy country, were surrounded with more difficulties; none were more strictly watched, or if they wandered from the permitted paths, were more severely punished. * * * Under such oppression, free and eloquent writers—men destined to teach and advance their generation—could not be expected to appear, and the few who ventured into ways so dangerous dwelt as much as possible in generals, and become mystical, or extravagant and declamatory. Nearly all, strictly prevented from using the logic of a wise and liberal philosophy, fell into pedantry, from

property they actually possessed at the time of conviction; and that all the proceedings of this court shall be assimilated to those in other courts of criminal judicature of the kingdom. Dr. M'Cree doubts that the cardinal is the writer of this work. He says, "We may safely acquit Ximenes from the suspicion of being the author of a work containing principles of liberal policy and enlightened justice, which there is no reason to think that ghostly statesman ever entertained at any period of his life*."

FRANCIS DE VICTORIA, a professor of the university of Salamanca, was the first expounder and methodiser of the general principles and maxims, which have subsequently been adopted and extensively commented on by philosophers in every country in Europe, under the name of "The Law of Nations." Victoria takes the works of the most able and distinguished of the schoolmen as his guide; but particularly the "Secunda" of Aquinas. The professor shows that, in order to give validity to the maxims of right and justice among nations, we must trace back the obligation by which they are invested, to a theological source, and to the moral sentiments and feelings of the mass of mankind in all ages and countries. His views on this point are both enlightened and liberal. He openly condemned the government of his own country for their wars against the natives of America, even when defended by the pretexts that they were chiefly instigated and carried on for the express purpose of extending the knowledge of christianity. He thought this was no excuse at all; because we were openly violating one of the primary principles of justice, laying at

* "Hist. of the Reformation in Spain," p. 114.

the root of all christian doctrine. Victoria died in 1546.

ANTONIO AUGUSTINO was an eminent Spanish professor. He published his "Emendationes Juris Civilis," in 1544; a profound and valuable work. He is likewise the author of a small treatise "On the Principles of Government," in which there are some enlightened and liberal opinions. On the several divisions of the sovereign power of a nation, Augustino tells us that the rule of judging of what is virtuous and vicious is the same in politics as in morals—the same in entire societies as in an individual person. Every man acts criminally when he acts according to his own will, which only acts in conformity with his own views and interests. On the other hand a man acts virtuously when his will is regulated by the love of what is for the universal good of the community. In every branch of general policy, a prince always acts in unison with sound reason, when he is solely guided by a desire to promote the public good; but a ruler who only looks to what augments his own personal riches and power, violates one of the cardinal laws of sound legislation.

Kings and rulers have no power whatever over the persons of their subjects, any farther than what is requisite for the public good. All sovereignty is derived immediately from the deity; and the rights which it embodies should never be contrary to the obvious designs of our creation. Violence and cruelty are, above all things, to be avoided. God alone hath the sole right over the lives of men; and wherever it is delegated to the head of a nation, it is only to be exercised for the absolute preservation of the community.

Neither have kings any rights over the individual goods or possessions of their subjects. A contrary doctrine is inimical to the first principles of good government*."

DOMINIC SOTO was the pupil of Victoria, and published his work, "De Justitia de Jure," in 1560. It consists chiefly of public lectures delivered at Salamanca. It gives evident indications that a decided improvement had taken place in the mode of treating political questions. Among other profound and liberal remarks in the book, we find the following:—"The king cannot be justly deprived of his kingdom by the community at large, *unless* his government becomes tyrannical." Soto agrees with his master Victoria, as to the unlawfulness of the Spanish war upon the unhappy and defenceless inhabitants of America; and in a dispute between Sepulveda and Las Casas, on this subject, Soto was named umpire, by the Emperor Charles V.; and the author gave his decision in accordance with these humane and enlightened views of Christian ethics. Soto is likewise considered the first philosophical writer who openly condemned the European slave trade. On this point, he says, "If the report which has lately prevailed be true, the Portuguese traders entice the wretched natives of Africa to the coast by amusements and presents, and every species of seduction and fraud, and compel them to embark in their ships as slaves; neither those who take them, nor those who buy them from the takers, nor those who possess them, can have safe consciences, until they manumit these slaves, however unable they may be to pay ransom†."

* Pp. 106, 107.

† "De Justitia de Jure," Lib. iv. Quæst. 1.

In another place he says, "We ought not to censure the conduct of princes too freely and openly; they are often honest in their intentions, but prove unjust and oppressive from being deceived and surrounded by their ministers, who are not often qualified to discover the truth. We ought rather to accuse ourselves for not having the courage to declare to rulers what is true and expedient to be performed. The love of our country is almost extinguished now; every one thinks only of himself, and how he may aggrandise his power and fortune, never caring for the sufferings and privations of others. Kingdoms perish more through the want of having good subjects, than because there are often bad sovereigns*."

BALTHAZAR AYALA published his celebrated work on the "Rights of War," in 1581. The author was judge-advocate to the Spanish army in the Netherlands. The political portion of the treatise is confined to the second book; but there are various passages in other parts of it, which bear upon the science of general polity. Mr. Hallam makes the following observations on this Spanish author: "It will appear that the second book of Ayala, relates more to politics and strategy than to international jurisprudence; and that in the third he treats entirely of what we call martial law. But in the first he aspires to lay down great principles of public ethics; and Grotius, who refers to Ayala with commendation, is surely mistaken in saying that he has not touched the grounds of justice and injustice on war. His second chapter is on this subject, in thirty-four pages; and though he neither sifts the matter so exactly, nor limits the right of hostility

* Opera, vol. iv. p. 216.

so much as Grotius, he deserves the praise of laying down the general principle without subtlety or chicanery. Ayala positively denies, with Victoria, the right of levying war against infidels, even by the authority of the pope, on the mere ground of their religion; for their infidelity does not deprive them of their right of dominion; nor was that sovereignty over the earth given originally to the faithful alone, but to every reasonable creature*."

JOAHNES PEREZ published, in 1586, a small work at Valladolid, "On the Origin and Nature of Government." The chief points the author aims at establishing are, the following: Moses was the earliest of all legislators and historians, of any credit; and he assures us that all mankind were derived from a common parentage. All ancient traditions, both sacred and profane, go to establish this fact. The family or patriarchal was the first shape that any thing like government assumed. Every head of a family possessed himself of such a portion of uncultivated and unoccupied land as he thought desirable, and afterwards divided it among his descendants. The eldest of such a family would naturally acquire authority over the younger portion of them. Paternal power does not necessarily give fathers an inherent right over the lives and liberties of their offspring; this is not the true source of legislative sovereignty; but it is the principal canal through which this sovereignty passes to mankind. The order of generation subjects all children to the conduct of their fathers, till they arrive at the years of maturity; and after that time it is natural to children to pay respect and obedience to

* "Lit. of Europe," vol. ii. p. 80.

became a great proficient in languages, theology, and sacred and profane history. The above work was published at Mayence in 1605, in three books; and the aim of the author is to justify the assassination of Henry III. of France. This was considered at the time highly seditious doctrine; and the book was condemned, and burned by the common executioner. All the copies that could be found of it in Spain were destroyed. The original edition of the work appeared there a few years earlier than that of Mayence.

The author inquires, what is the best species of government? and decides for the monarchical, as being, on the whole, the most safe and beneficial; but only on this condition, that the king call to his councils good and proper persons to guide his own judgment in matters of state.

Mariana calls James Clement, the assassin of Henry III., "The eternal glory of France;" and maintains that all usurpers may be lawfully put to death. At the same time he declares, that the waywardness of kings ought to be endured to a certain extent; that the ruling power should be admonished; and if a reformation does not follow, then it is a duty of the people to rebel against him, and take his life. He says, "It is a wholesome thing that sovereigns should be convinced that if they oppress the state, and become intolerable by their wickedness, their assassination will not only be lawful but glorious to the perpetrator."

The kingly office of Spain, he tells us, has not the power of imposing the taxes unless by the consent of the people. He may use his influence, he may offer rewards, sometimes he may threaten, he may solicit

material world, there is one secret and universal action of the first motion, which is the only and primary source of all the force, order, and movements which we see in nature; so, in the government of the world, there is one sovereign and secret providence, who disposes everything according to his eternal decrees or designs. Every moment of our existence is bound up with one eternity of future ages; and the things which we do every moment have a conformity to what may happen at all other times. The internal liberty of the creature continues perfect, absolute, and independent of all pre-determinations. Foreknowledge or order constrains or destroys it; but the outward state, rank, or circumstances, which every one of us are placed in, are regulated by weight and measures. All the different political events which appear in the eyes of ignorant and unthinking men as the effects of chance, are so indissolubly linked together, that they contribute to accomplish the great designs of the sovereign being who conducts everything to its proper and final end; that end having its full accomplishment in the nature and attributes of deity itself."

The general train of thought in the chapter from which this passage is taken, bears a very striking resemblance to the general doctrines which Leibnitz subsequently more fully expounded in his political disquisitions.

On the general merits of Mariana's "De Rege," Mr. Hallam observes, that "The whole work, even in its reprehensible exaggerations, breathes a spirit of liberty and regard to the common good. Nor does Mariana, though a Jesuit, lay any stress on the papal power to depose princes, which, I believe, he has

was obliged to fly into France, where he was supported by Henry IV. Perez published several works in Paris, in which the principles of Spanish policy is thoroughly investigated. About the same period we have Saavedra's "Idea di un Principe Politico," a work of some little reputation and value.

SUAREZ.—"Tractatus de Legibus ac Deo Legislatore," 1620. This work of the Spanish Jesuit is a very profound one, and amazingly comprehensive in its range. It treats of jurisprudence and moral philosophy, as well as of politics as a science.

The leading principle of the work is, that all governmental powers, as well as those which parents claim and exercise over their children, are derived from God; and that the authority of every law resolves itself into the sovereign will and power of the almighty. For either the law proceeds directly or immediately from the Deity, or it proceeds from man, as His representative on earth.

Suarez is diametrically opposed to the canonists, who hold that the civil magistracy is appointed by God, in the person of some prince, and that it remains in his heirs by succession. On this point he is very decided. He opposes the notion, often previously stated by writers of eminence, that all royal authority was derived from *Adam*. The Jesuit says, that, by right of creation, Adam had only an *economical* power, but not a political one; he had a power over his wife, and a parental power over his children, whilst they were not by years, made free; he might likewise, in process of time, have servants and a complete family; and in that family, he might have complete and absolute *economical* power. But after that family began to be multiplied, and men were dispersed, and became

blishment of the kingdom of Leon, in the eighth century, that of Castile in 1020, and Arragon in 1035. The Moslems were expelled a little after this from Catalonia and Valencia; but their final discomfiture was not fully effected till about the end of the fifteenth century. In 1469, Leon and Castile were united with Arragon, under Ferdinand and Isabella. The kingdom of Portugal, as now established, was founded in 1640. The Mahometan usurpation, and the many wars and contentions to which it gave rise for several centuries, imparted a peculiar complexion to all the branches of Spanish literature, and to none more than to the speculations of its authors on civil and political doctrines and systems.

The treatise now under consideration goes on to state, that during the whole of the Mahometan usurpation, the several independent monarchies retained all their original gothic institutions. These were all, more or less, highly favourable to the rights and privileges of the great mass of the people, and fully guaranteed some of the most important and vital principles of free and liberal governments. Many of the chief towns had enjoyed municipal privileges from the tenth or eleventh century; and had had large tracts of rich land annexed to them, which gave their inhabitants great power and social independence and comfort. Justice was administered in an equitable spirit, by judges chosen from the inhabitants at large. In all the separate kingdoms of the peninsula—Navarre, Leon, Galatia, Arragon, Castile, and Portugal—the political assemblies called *Cortes*, or courts, which formed constituent elements of the government anterior to the Moslem invasion, were maintained in all

when the ruling power is distributed among a great number of independent agencies. A government divided, or placed in the hands of many individuals, may prove convenient enough for small republics, or single cities, but it is entirely incompatible with the interests of an extensive country. The great vice inherent in the republican institutions of a small state, is the constant desire of its members to raise themselves to political power and grandeur at any cost; and this ambition gives rise to frequent seditious and internal commotions. It was thus that the jealousies of Greece sprung up. Her celebrated senate could not repress these political heartburnings and civil dissensions; although it was composed of the most sage and able men from the twelve chief cities of the kingdom.

A monarchical government is better fitted for promptitude of action, than where the power of a government is placed in popular hands. A sovereign is free at all times to give his counsel and orders without let or hindrance; hence it is, that great enterprises are best managed by those who have the most unrestricted command of their own talents and resources. The monarchical form is likewise necessary for maintaining a due subordination among the different orders and classes of the people; that one should not tyrannise over and mar the peace and comfort of another. The author contends for a hereditary, and not an elective monarchy, which, he says, is the worst of all forms of government.

BERNARDINO, COUNT DE REBOLLEDO, was a distinguished Spanish poet, and many years ambassador to the court of Denmark. He wrote, in verse, 1687, his "*Selvas Militares y Politicas*," in which are collected

Institutione;" H. de Zavallos, "Arte Real;" Ibandus Bardaxi, "Avisos y Doctrinas de Principes;" J. de Banos, "El Ayo y el Maestro de Principes," Politica Militar de Principes;" Joan. de Campo, "Monarcha Perfecta;" Joan. de Covená, "Arte de Regir la Republica;" Joan. Eusebius, "Corona Virtuosa;" J. Fernandez de Medrano, "Republica Mixta;" Joan. Genesius de Sepulveda, "De Regno et Regis Officio;" Joan. de Horozco, "Doctrine de Principes;" Joan. a Jesu Maria, "Instructio Principum," "Ars Gubenandi;" Joan. de Palasox, "Historia real Sagrada;" J. P. Martyr Rizo, "Norte de Principes;" M. Lopez Bravo, "De Rege et Regendi Ratione;" Paulus de Mendoza, "Regimiento del Principe Christiano;" Philip de la Torre, "Institucion de un Rey Christiano;" S. F. Morzillo, "De Regno et Regis Institutione."

Soon after the art of printing gained admittance into Spain, satirical literature was one of the branches of knowledge cultivated to a certain extent. In the early part of the sixteenth century, Torres Naharro, Silvestre and Castillejo, were authors of national satires, written in the spirit of severe irony and bitterness. Mendoza and Bascan, were writers of note, and their effusions have more or less of political pungency and raciness. At the commencement of the seventeenth century, Francisco Gomez Quevedo was a prolific author of satires, all having a bearing on political matters, and particularly on the many severities and imprisonments he had himself endured from the civil and religious authorities of the times. The best of these prose works are, "On All Things and Many More," "The Tale of Tales," "Fortune no Fool, and the Hour of All," "The Catchpole Caught," "A Visit

in Jest," "Dream of Skulls," and "Pluto's Pigsties." Many of these satires have been translated into most of the languages of Europe ; and display unrivalled genius and talent.

The orthodox poets likewise wrote bitter verses against their opponents. Here is a specimen of the manner they spoke of all grades of reformers, civil and religious.

" El Germano Martin la despedaza :
 Arrio, Sabelio, Helvidio y Justiniano
 Siguen de Christo la homicida caza,
 Calvino con Pelagio y el Nestoriano
 Como tras fiera van tras El a caza :
 Quien toma pierna o pie, quien braza o mano,
 Denuncia guerra Acab contra Miquea,
 Y Malco a Dios de nuevo abofetea."

Satirical productions of this cast were never, however, very popular in Spain ; the character of the people being of too grave a cast, to relish the caricature and burlesque of their descriptions. Mr. Ticknor justly observes, "The truth is, that wit and severity of this kind, and in this form were never heartily encouraged in Spain. The nation itself has always been too grave and dignified to ask or endure the censure they imply ; and if such a character as the Spanish has its ridiculous side, it must be approached by anything rather than personal satire. Books, like the romances of chivalry, may, indeed, be assailed with effect, as they were by Cervantes ; men in classes may be caricatured, as they are in the Spanish *picaresque* novels and in the old drama ; and bad poetry may be ridiculed, as it was by half the poets who did not write it, and by some who did. But the characters of individuals, and espe-

cially of those in high station and of much notoriety, are protected, under such circumstances, by all the social influences that can be brought to their defence, and cannot safely be assailed. Such, at least, was the case in Spain. Poetical satire came there to be looked upon with distrust, so that it was thought to be hardly in good taste, or according to the conventions of good society, to indulge in its composition. And if, with all this, we remember the anxious nature of the political tyranny which long ruled the country, and the noiseless, sleepless vigilance of the inquisition—both of which are apparent in the certificates and licences that usher in whatever succeeded in finding its way through the press—we shall have no difficulty in accounting for the fact, that poetical satire never had a vigorous and healthy existence in Spain, and that after the latter part of the seventeenth century, it almost entirely disappeared till better times revived it*.”

The Spanish drama was founded about the latter end of the fifteenth century, and was soon turned into a political instrument, chiefly for the purpose of animating the warlike feelings of the people, and supporting the royal dignities and offices. We have “The Couplets of Mingo Revulgo,” about the year 1472, a severe satire of a popular cast, appealing to the mass of the people on the deplorable affairs of the kingdom, which characterised the latter period of the reign of Henry IV. The piece is in shape of a dialogue between two persons, one called *Mingo Revulgo*, a corruption of Domingo Vulgus, represents the common class of people; and the other, *Gil the Elevated*,

* “Hist. of Spanish Lit.,” vol. iii. p. 7.

who represents the higher or wealthier classes of the nation, and who declaims in a very authoritative tone on the ruinous condition of the working people, who, he says, brought all these political evils on themselves by committing their affairs to the hands of a careless and indifferent shepherd. "It opens with the shouts of Gil the Elevated, who sees Revulgo at a distance, on a Sunday morning, ill-dressed, and with a dispirited air :

"Hollo, Revulgo! Mingo, ho!
 Mingo Revulgo! ho, hollo!
 Why, where's your cloak of blue so bright?
 Is it not Sunday's proper wear?
 And where's your jacket red and tight?
 And such a brow why do you bear,
 And come abroad, this dawning mild,
 With all your hair in elf-locks wild?
 Pray are you broken down with care?"

Revulgo replies, that the state of the flock, governed by so unfit a shepherd, is the cause of his squalid condition; and then, under this allegory, they urge a coarse but efficient satire against the measures of the government, against the base, cowardly character of the king, and his scandalous passion for his Portuguese mistress, and against the ruinous carelessness and indifference of the people, ending with praises of the contentment found in a middle condition of life. The whole dialogue consists of only thirty-two stanzas of nine lines each; but it produced a great effect at the time, was often printed in the next century, and twice elucidated by a grave commentary*."

We find the warlike sentiments of the people roused

* Ticknor's "Hist. of Spanish Lit.," vol. i. p. 237.

up by one of the dramas of Vicente, published about 1502. The following lines are translated by Mr. Ticknor.

“To the field ! To the field !
 Cavaliers of emprise,
 Angels pure from the skies
 Come to help us and shield.
 To the field ! To the field !


“With armour all bright,
 They speed down their road,
 On man call, on God,
 To succour the right.

“To the field ! To the field !
 Cavaliers of emprise,
 Angels pure from the skies,
 Come to help us and shield.
 To the field ! To the field !”

The popular ballads of Spain form a portion of her political literature of some interest and curiosity. From the earliest periods of her history the people were enthusiastically attached to the order of minstrels, who lost no occasion of seizing hold of every public transaction, and bringing it under the cognizance of popular sentiment and feeling. If we are to judge of specimens from what are called *historical* ballads, considerable license of expression seems to have been allowed in bringing the ridiculous to bear upon the civil and political measures of the times. When any topic of excitement arose, the ballad writers and singers were instantly upon the alert ; and whether the matter related to war, or peace, to courtly corruption or civil broils, the people always seemed to enjoy their accustomed modicum of laughter and fun.

Mr. Lockhart justly observes, that “The strongest

and best proof of the comparative liberality of the old Spaniards is, as I have already said, to be found in their ballads. Throughout the far greater part of these compositions, there breathes a certain spirit of charity and humanity towards those Moorish enemies with whom the combats of the national heroes are represented. * * * The Spaniards had their taste for warlike song in common with all the other members of the great gothic family; and they had a fine climate, affording, of course, more leisure for amusement than could have been enjoyed beneath the rougher sky of the north. The flexibility of their beautiful language; and the extreme simplicity of the versification adopted in their ballads, must, no doubt, have lightened the labour, and may have, consequently, increased the number of their professional minstrels. * * * Throughout that very extensive body of historical ballads from which these specimens have been selected, there prevails an uniformly high tone of sentiment; such as might have been expected to distinguish the popular poetry of a nation, proud, haughty, free, and engaged in continual warfare against enemies of different faith and manners, but not less proud, and not less warlike than themselves. Those petty disputes and dissensions which so long divided the christian princes, and, consequently, favoured and maintained the power of the formidable enemy whom they all equally hated; those struggles between princes and nobility, which were productive of similar effects after the crowns of Leon and Castile had been united; those domestic tragedies which so often stained the character and weakened the arms of the Spanish kings; in a word, all the principal features of the old Spanish



history may be found, more or less distinctly shadowed forth, among the productions of these unflattering minstrels*."

Mr. Ticknor observes, "For a long time, of course, these primitive national ballads existed only in the memories of the common people, from whom they sprang, and were preserved through successive ages and long traditions only by the interests and feelings that originally gave them birth. We cannot, therefore, reasonably hope that we now read any of them exactly as they were first composed and sung, or that there are many to which we can assign a definite age with any good degree of probability. No doubt we may still possess some which, with a little change in their simple thoughts and melody, were among the earliest breathings of that popular enthusiasm which, between the twelfth and fifteenth centuries, was carrying the christian Spaniards onward to the emancipation of their country; ballads which were heard amidst the valleys of the Sierra Morena, or on the banks of the Turia and the Guadalquivir, with the first tones of the language that has since spread itself through the whole of the peninsula. But the idle minstrel who, in such troubled times, sought a precarious subsistence from cottage to cottage, or the thoughtless sailor, who, when the battle was over, sung its achievements to his guitar at the door of his tent, could not be expected to look beyond the passing moment; so that, if their unskilled verses were preserved at all, they must have been preserved by those who repeated them from memory, changing their tone and language with the changed feelings of the times and events

* "Spanish Ballads, Preface."

which chanced to recall them. Whatever, then, belongs to this earliest period, belongs, at the same time, to the unchronicled popular life and character of which it was a part; and although many of the ballads thus produced may have survived to our own day, many more, undoubtedly, lie buried with the poetical hearts that gave them birth*."

We shall insert a specimen or two out of some of the historical class of ballads. The following is one translated by Sir Walter Scott, on the death of Don Pedro, (commonly called *the cruel*,) by his natural brother, Henry:

" Henry and King Pedro clasping,
Hold in straining arms each other;
Tugging hard and closely grasping,
Brother proves his strength with brother.

" Harmless pastime, sport fraternal,
Blends not thus their limbs in strife;
Either aims, with rage infernal,
Naked dagger, sharpened knife.

" Close Don Henry grapples Pedro,
Pedro holds Don Henry strait,
Breathing, this, triumphant fury,
That, despair and mortal hate.

" Sole spectator of the struggle,
Stands Don Henry's page afar,
In the chase who bore his bugle
And who bore his sword in war.

" Down they go in deadly wrestle,
Down upon the earth they go;
Fierce King Pedro has the 'vantage,
Stout Don Henry falls below.

* "Hist. Spanish Lit.," vol. i. p. 108.

“ Marking then the fatal crisis,
 Up the page of Henry ran,
 By the waist he caught Don Pedro,
 Aiding thus the falling man :—

“ King to place, or to depose him,
 Dwelleth not in my desire,
 But the duty which he owes me,
 To his master pays the squire :—

“ Now Don Henry has the utmost,
 Now Don Pedro lies beneath ;
 In his heart his brother's poniard
 Instant finds its bloody sheath.

“ Thus with mortal gasp and quiver,
 While the blood in bubbles welled,
 Fled the fiercest soul that ever
 In a christian bosom dwelled.”

The following ballad describes the public enthusiasm among the people of Leon, when Benardo first raised his standard to oppose the progress of the army of Charlemagne, about the year 795.

“ With three thousand men of Leon, from the City Benard goes,
 To protect the soil Hispanian from the spear of Frankish foes ;
 From the city which is planted in the midst between the seas,
 To preserve the name and glory of old Pelayo's victories.

“ The peasant hears upon his field the trumpet of the knight—
 He quits his team for spear and shield and garniture of might ;
 The shepherd hears it 'mid the mist—he flingeth down his crook,
 And rushes from the mountains like a tempest-troubled brook.

“ The youth who shows a maiden's chin, whose brows have ne'er
 been bound,
 The helmet's heavy ring within, gains manhood from the sound ;
 The hoary sire beside the fire forgets his feebleness,
 Once more to feel the cap of steel a warrior's ringlets press.

"As through the glen his spears did gleam, these soldiers from
the hills,
They swelled his host as mountain-stream receives the roaring
rills ;
They round his banner flocked in scorn of haughty Charlemagne,
And thus upon their swords are sworn the faithful sons of Spain.

" 'Free were we born,' 'tis thus they cry—' though to our king we
owe
The homage and the fealty behind his crest to go ;
By God's behest our aid he shares, but God did ne'er command
That we should leave our children heirs of an enslaved land.

" 'Our breasts are not so timorous, nor are our arms so weak,
Nor are our veins so bloodless, that we our vows should break,
To sell our freedom for the fear of Prince or Paladin ;
At least we'll sell our birth-right dear—no bloodless prize the'll
win.

" 'At least King Charles, if God decrees he must be lord of Spain,
Shall witness that the Leonese were not aroused in vain ;
He shall bear witness that we died as lived our sires of old—
Nor only of Numantium's pride shall minstrel tales be told.

" 'The LION that hath bathed his paws in seas of Lybian gore,
Shall he not battle for the laws and liberties of yore ?
Anointed cravens may give gold to whom it likes them well,
But steadfast heart and spirit bold Alphonse ne'er shall sell*.' "

Spain is remarkably rich in national chronicles, which give the historian and politician a complete insight into the events of the times, and to the effects produced by various forms and maxims of general polity. The "Chronicle of Alfonso the Tenth," and the "Chronicle of the Cid," are the most ancient and valuable. Then follow the "Chronicles" of the reigns of Sancho the Brave and Ferdinand the Fourth; the "Chronicle" of Alfonso the Eleventh; the "Chroni-

* Lockhart's "Spanish Ballads."

cles" of Peter the Cruel, Henry the Second, John the First, and Henry the Third, by Ayala; the "Chronicle" of John the Second, two "Chronicles" of Henry the Fourth, and two of Ferdinand and Isabella*.

* See Note F, at the end of the volume.

CHAPTER VII.

CONCLUDING OBSERVATIONS.

IN casting an eye backward over the ground we have travelled in this volume, from the year 1400, to the present date of 1700, we cannot fail to be struck with the varied and chequered aspect of political science, considered as a whole. On one or two points connected with this period of its history, embracing nearly four centuries, a few general remarks seem obviously called for.

This portion of the history of political literature embraces the most impatient epoch in the experience of mankind, as social and political agents. All former periods of their legislative movements and aspirations sink into comparative insignificance, when contrasted with the bold and rapid advances they made in these four centuries, in the knowledge of abstract principles of government, and in the skilful applications they have made of them to their wants, energies, and freedom. Every half century, within the time of which we are now speaking, is characterised by some new and important views of men's social relations, and decided progress in security and happiness; and the whole of European communities have arisen, like a giant refreshed with sleep, from a state of mental

and moral apathy and decrepitude, in which they had slumbered for ages.

At the commencement of the fifteenth century, political darkness and oppression brooded over the earth. Politics, as a science, and popular opinion as the outward and visible expression of it, could scarcely be said to exist. Society, it is true, had, in most countries of Europe, been moulded into shape and form, and its several functions played their respective parts in the general working of the entire machine; but there was no intelligent and comprehensive conception of the nature of its principles, nor of the great flexibility of which their application to the varied interests of the community, was susceptible. Political power was rude and untameable; it scorned advice or reproof; it spurned control or constitutional restraints; and turned the sword of persecution against those who dared to repine at its wicked and licentious manifestations.

The history of political opinion takes the form of great and distinct epochs. There is sometimes a powerful heave forward, and then a season of comparative lukewarmness and apathy. But there is no retrogression; what we often take for such is simply the settling down of society after its having been flooded with a series of new and interesting truths. Time is required for those to be absorbed into all the corners and ramifications of social life. There is often confusion, conflict, opposition, for a long period, and the energies of the nation seem almost exhausted or benumbed by the turmoil; but the season of renewed strength arrives, possibly from some unlooked for quarter, and a fresh bound in the career of intelligence is made,

and a succession of new ideas and principles laid before the public mind. A seeming lull may come over the community before these ideas and principles are fairly laid hold of and incorporated with the entire structure of society; but the previous advances of political knowledge are secured, and humanity is advanced a stage forward and placed on a higher platform. The progress of public sentiment is like the motion of the tides, but without its ebb. The advancing waters come rolling along—then receding—then approaching again, making further conquests on the broad beach, till the whole is submerged by the resistless energies of the moving fluid. Just in like manner do political truths act on society. The first entrance of a novel idea before the public eye is often marked by a receding for a season; it makes its appearance again, with additional power and more attractive attributes; and the difference between it and other older ideas becomes less apparent and startling. A conquest is made; and the new conception or theory forms a constituent part of the intellect of the nation.

Let us suppose ourselves placed on an eminence commanding a near view of a populous and commercial city. In looking down upon its numerous and winding streets, we see countless thousands who are congregated in them, elbowing and threading their way among each other, with surprising regularity and ease. Every individual has some object of his own which he is prosecuting with ardour and singleness of purpose. To many thousands in the throng, the affairs they are engaged in are of unspeakable importance, involving the permanent happiness of themselves and families. Yet clashing as the antagonistic interests

and pursuits are, everything assumes the appearance of tranquillity and regularity. There is no confusion, no disorder, no scrambling, no personal conflicts. All is hushed into universal order. Private aims, purposes, and concerns, are just allowed a certain extent of individual development, and no further; and the selfish instincts and passions are kept from overflowing the natural barriers of social harmony, peace, and brotherhood.

Or again, let us look at the erecting of a splendid public building. We see the unseemly mass of scaffolding around it. Nothing appears more confused and perplexing to the eye, than the numerous posts, planks, ropes, and gangways which compose it; yet behind this huge and ungainly outwork, there is a noble structure gradually unfolding its beautiful proportions, and embodying all the first principles of scientific architecture, refinement, and taste. Just so is it with political science. The numerous and opposite theories, and violent and antagonistic discussions on isolated questions, constitute the framework of true political knowledge; and time elaborates and moulds them into a harmonious unity of design and usefulness of purpose.

Political truth, like all other truth, expands and develops itself as time rolls on. Its principles are like the seeds of the acorn—the parents of the sturdy oak; the minute is swelled into the majestic, and the small becomes the great. Time is the chief elaborator of political truths and measures. It gradually unfolds them to the understanding; it preserves and nourishes them in their feebleness and growth; and advances them forward to the stages of expansion and maturity.

its great value, and to secure for political writers of every grade of opinion our regard and sympathies. They stand before us as the great improvers of mankind. Other characters are often thrust into the foreground of history, who have no solid pretensions to such a pre-eminence. The politicians of the pen have seldom been persons of much external splendour or display. We must follow them to their closets, and view them speculating in solitude on what is best for the improvement of mankind. Here it is, that we find the first conceptions of those valuable legislative truths which have lain unobserved for ages in human nature, and whose validity and efficacy are to be tested by the active statesmen and patriots of the day. It is from the fulness of these contemplative stores, that the mass of mankind become enlightened and improved. It is the intercourse with, and collision of original and creative minds, that prepares the social soil for salutary legislative measures, and not the mere fitful and unassisted efforts of the fortunate or courtly minister of the hour. In fact, the great civilisers and benefactors of mankind belong to that class of authors, more than any other, who in silence and retirement, as well as amidst contentions, poverty, and dangers, have given us the fruits of their speculations on government affairs. Their writings have prepared the world for the reception of those political truths, which have secured, from time to time, its progressive movements, and advanced its happiness.

On casting a retrospective eye on the progress of the science of politics, as unfolded by its numerous writers in all the countries of Europe, we cannot but be struck with the varied aspect of that progress, and,

of such a decided and steady cast as that of Britain. Writers of continental nations had to suppress their real sentiments and opinions, and were often obliged to unfold their systems under the garb of fictitious narratives, and abstract and mystical hints and inuendos. To attack the injustice and corruption of their own governments openly, would infallibly have brought on their heads the severest penalties of the law. But still, such is the innate power of truth and right, in spite of all outward opposing obstacles, the work of reformation went steadily forward, and at its stage on the termination of the seventeenth century, there was not a country in Europe but could exultingly contrast their then enlightened system of political literature, with that state in which it had been two or three centuries preceding.

The political writings which have passed in review, in this volume, have generally held in solution a large portion of theology. We have seen how, and to what extent, religious sentiments influenced political speculation during the early and middle ages; and, after the Reformation, and the establishment of the art of printing, this sentiment became more conspicuous and influential, and more thoroughly incorporated with the discussion of questions of government of all kinds. In almost every country of Europe, the best and most profound writers, both on theoretical and practical polity, in the period of history now under notice, were men deeply imbued with religious feeling; and we can scarcely point out a single instance, where a writer has gained anything like a reputation as a literary politician, where an irreligious or sceptical train of thought lay at the bottom of his disquisitions. In

highest mental endowments, might often arrive at different conclusions; but the course to follow, as citizens of a commonwealth, is not to attempt what is impracticable, by using religious coercion and force; but to adhere to the great leading points in which the generality are agreed, and to let the less important matters of opinion and practice float down the stream of social life, where, if not opposed, they would occasion no formidable political obstruction to the progress of useful knowledge, and the extension of rational and wholesome liberty and independence.

The discussion of the great question of the right of private judgment in matters of theology, naturally led men to investigate the right of judging political questions and measures. Here another vast branch of controversial writing has passed in review before us; a branch involving interests of the most vital character to all mankind. How slowly and stealthily the civil right of resistance was developed, and brought before the understandings of the people, is sufficiently apparent from the historical sketch we have given. We can point out the times and seasons when men spoke only in whispers on the matter; and at others, when they were as rampant and fierce as lions, and gave utterance to their views with a voice of thunder. A struggle, even unto death, was maintained, for three whole centuries, by writers of all nations, for this important question. And though, like the previous one on the rights of conscience, it was not in the year 1700 definitively settled, there had great advances been made towards this desirable object. The question had been keenly and searchingly investigated; most all its chief bearings had been accurately ascer-

century, is somewhat striking. They nearly all seem to have run a parallel course, as to the discussion of the leading principles of the science of government; and, up to the period now under consideration, they were nearly all upon a level as to mere abstract acquirements in the doctrines of social polity. This equal measure of knowledge relates, however, only to matters of pure theory; as to the actual application of them to the exigencies of government, or to the full and scientific elucidation of all their bearings on the social interests of communities, there was a marked discrepancy among all the different nations of Europe.

And here we shall take the liberty of making a remark or two on the political writers of our own country, to whom we are, at this hour, under such weighty obligations. We are apt, as a nation, it has been often said, to set a high value on our literary labours, in almost every department of human inquiry; and not, perhaps, without some good grounds for this national partiality. But making due allowance for whatever may be overcharged in our estimates on this point, we think it will not be denied by any qualified to sit in judgment on the question, that the political literature of Great Britain, taken as a whole, and for the three centuries now under consideration, is superior to that of any other country. It is more varied in its character, more profound and searching in its inquiries, more systematically arranged, and more copiously and eloquently illustrated, than anything we can find in the other countries of Europe. It displays a much greater portion of acute and vigorous intellect, than we can recognise elsewhere. Take the speculations of any one of the continental states, and contrast its

cial direction. They had always a body of ancient law and political right to guide and direct them, and to rally round, whenever any serious attacks, either openly or covertly, were made on fundamental principles of government. They had not, at every step and emergency, to begin their political and social inquiries *de novo*. The maxims of the old philosophical lawyers and statesmen, the influence of tradition and custom, and the veneration and sanctity with which all classes viewed the long-established institutions of the country, opened to all writers of every shade of opinion, an easy access to the public feelings and minds of the people.

NOTES TO THE FIRST VOLUME,
FROM THE
EARLIEST PERIOD TO THE FOURTEENTH CENTURY.

NOTES.

NOTE A. PAGE 146.

CANONS of the church, and other documents, testifying the solicitude manifested by the clergy, for the alleviation and abolition of personal slavery, during the early and middle ages.

Penitence is imposed on a master or mistress, who ill-treated a slave. *Concilium Eliberitanum, A.D. 305.*

The clergy reprimanded the violence of those masters of slaves, who endeavour to prevent them from seeking an asylum in the church. *Concilium, A.D. 441.*

The sentiments of St. Ambrose, relative to the purchase of slaves for the purpose of redemption, and to the duty of selling the sacred ornaments and utensils of the church, to effect this humane object. A.D. 380

(§ 70.) "Summa etiam liberalitas captos redimere, eripere ex hostium manibus, subtrahere neci homines, et maxime fœminas turpidini, reddere parentibus liberos, parentes liberis, cives patriæ, restituere. Nota sunt hæc nimis Illyriæ vastitate et Thraciæ : quanti ubique venales erant captivi orbe....."

Ibid. (§ 71.) "Præcipua est igitur liberalitas, redimere captivos et maxime ab hoste barbaro, qui nihil deferat humanitatis ad misericordiam, nisi quod avaritia reservaverit ad redemptionem."

Ib. L. 2. C. 2. (§ 13.) "*Ut nos aliquando in invidiam incidimus, quod confregerimus vasa mystica, ut captivos redimeremus, quod arianis displicere potuerat, nec tam factum displiceret, quam ut esset quod in nobis reprehenderetur.*"

Bishops are admonished to respect the liberty of those slaves who had been emancipated by their predecessors; and to inculcate the doctrine that it is, in the eyes of the church, highly meritorious to grant liberty to captives. *Concilium. A.D. 506.*

If a bishop died, and did not leave wherewithal to discharge all his pecuniary obligations, the slaves he might be in possession of, were commanded not to be disposed of, for the purpose of liquidating his debts. *Concilium, A.D. 541.*

The church promulgated certain rules to all the proprietors of slaves, to observe towards them the utmost kindness and humanity. *Concilium, A.D. 549.*

be done by," as one of its fundamental maxims, which is wholly opposed to the idea of one man becoming the property of another. These two principles of mutual obligation, and the worth of the individual, were beyond the comprehension of the states of antiquity, but are now at the basis of morals, politics, and religion. In the most cultivated states of antiquity, the individual, as such, was little regarded. He was considered only as a citizen of a body politic. In fact, whilst we found the whole idea of the state on the prior idea of the individual, the state with them was the primitive idea, from which the individual received his significance and worth, for they did not consider the individual as a being placed on earth for the purpose of self-improvement, to promote which political societies are formed. To foreigners they gave the name of barbarians, enemies, slaves.

Aristotle, one of the most powerful minds of antiquity, says, in his politics, "With barbarians, the family consists of male and female slaves; but to the Greeks belong dominion over the barbarians, because, the former have the understanding requisite to rule, the latter the body only to obey." He calls the slave a living instrument, as the instrument is an inanimate slave. Yet he adds, "for the slave, considered simply as such, no friendship can be entertained; but it may be felt for him, as he is a man." We perceive here the nobleness of his nature struggling with the limited ideas of his age. We find several traces of a similar feeling among men of elevated character. Plutarch, for instance, in his life of Numa, expresses his belief in an early golden age, when there were neither masters nor slaves.

NOTE B. PAGE 158.

"Cyprianus Januario, Maximo, Proculo, Victori, Modiano, Nemesiano, Nampulo, et Honorato fratribus salutem. Cum maximo animi nostri gemitu et non sine lacrymis legimus litteras vestras, fratres carissimi, quas ad nos pro dilectionis vestræ sollicitudine de fratrum nostrorum et sororum captivitate fecistis. Quis enim non doleat in ejusmodi casibus, aut quis non dolorem fratris sui suum proprium computet, cum loquatur apostolus Paulus et dicat: *Si patitur unum membrum, compatiuntur et cætera membra: si lætatur membrum unum, collætantur et cætera membra.* (1. ad Cor. 12.) Et alio loco: *Quis infirmatur, inquit, et non ego infirmor.* (2. ad Cor. 11.) Quare nunc et nobis captivitas fratrum nostra captivitas computanda est, et periclitantium dolor pro nostro dolore numerandus est, cum sit scilicet adunationis nostræ corpus unum, et non tantum dilectio sed et religio instigare nos debeat et confortare ad fratrum membra redimenda. Nam cum denuo apostolus Paulus dicat: *Nescitis quia templum Dei estis, et Spiritus Dei habitat in vobis?* (1. ad Cor. 3.) etiamsi charitas nos minus adigeret ad opem fratribus ferendam, considerandum tamen hoc in loco fuit, Dei templum esse quæ capta sunt, nec pati nos longa cessatione et neglecto dolore debere, ut dñi Dei templa captiva sint; sed quibus possumus viribus elaborare et velociter gerere ut Christum judicem et Dominum et Deum nostrum promereamur obsequiis nostris. Nam cum dicit Paulus apostolus, *Quotquot in Christo baptizati estis, Christum induistis,* (ad Gal. 3.) in captivis

him in his journey into Tartary. Others returned with him through Russia,—mostly Genoese, Pisana, and Venetians. Two merchants from Venice, whom chance had led to Bokhara, followed a Mogul sent by Houlagou to Kublai-Khan. They remained many years in China and Tartary; returned with letters from the Grand Khan to the Pope; again revisited the Grand Khan, one of them carrying with him his son, the celebrated Marco Polo; and, after remaining some time with Kublai-Khan, returned to Venice. Journeys of this kind were not less frequent in the succeeding century. Amongst them may be named those of John Mandeville, an English physician, Oderic de Frisal, Pegoletti, William de Bouldeselle, and many others. We may readily imagine that the travels, of which the remembrance has been preserved, form a very small proportion of those which were undertaken; and that in those days, many more persons were able to perform distant journeys, than to write an account of them. Many of these adventurers, also, would establish themselves, and die in the countries that they visited. Others would return to their homes, as undistinguished as when they left them; but having their imaginations filled with what they had seen, they would describe their travels to their families, and doubtless exaggerate everything that had happened to them. Their recitals, however, though mingled with many ridiculous fables, would leave behind them useful recollections and traditions, capable of being turned to advantage. Thus, in Germany, in Italy, and in France, in the monasteries, amongst the nobles, and even in the lowest ranks of society, many precious seeds were sown, destined to bear fruit at a later period. These ignorant travellers, carried the arts of their country into distant lands, and brought back with them in return other acquisitions, not less valuable; thus, unconsciously, being the means of effecting exchanges, much more important than those of commerce. By their means, not only was the trade in silk, in porcelain, and other Indian commodities, much extended, and facilitated, and new outlets opened to industry, and commercial activity; but, what was much better, foreign manners, unknown nations, and extraordinary productions, were presented to the imagination of Europeans, which, since the fall of the Roman Empire, had been confined within too narrow a circle. The most anciently civilised, the finest and most populous of the four quarters of the globe, at length became of some importance to Europe. The arts, the religions, and the languages of the East, began to be studied; and it was in contemplation to found a professorship of the Tartar language in the University of Paris. Exaggerated tales, which however were soon investigated and appreciated, diffused more varied and accurate ideas. The world seemed to be extended in the East; geography was prodigiously improved; the passion for new discovery became the form under which the adventurous spirit of Europe appeared. The idea of another hemisphere, was divested of improbability, when our own portion of the globe was better known:—it was in endeavouring to trace the Zipangri of Marco Polo, that Columbus discovered the New World.”—*M. Abel Remusat.*

CENTURY II.

SOVEREIGN PRINCES.—*Roman Emperors*.—Trajan, A.D. 117.—Adrian, 138.—Anton. Pius, 161.—M. Antoninus, 180.—Lucius Verus, 180.—Commodus, 192.—Pertinax, 193.—Did. Julianus, 193.—Niger, 194.—Albinus, 198.—Severus.

POPES, OR BISHOPS OF ROME.—Xystus or Sextus, A.D. 127.—Telesphorus, 138.—Hyginus, 150.—Pius I., 153.—Anicetus, 162.—Soter.—172.—Eleutherius, 185.—Victor I., 198.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Ignatius of Antioch.—Polycarp.—Justin Martyr.—Hegesippus.—Theophilus of Antioch.—Melito.—Tatian.—Papias.—Appolinaris.—Hermias.—Athenagoras.—Clemens Alexandrinus.—Tertullian.—Aquila.—Theodotian.—Symmachus.—Hermias.—The unknown author of the Sibylline Oracles.—Irenæus.—Polycrates.—Dionysius of Corinth.—Pantænus.—Quadratus.—Add to these several fragments of writings of some of the principal heretics. These fragments are collected by Cotelierius, Grabr, &c.

REMARKABLE EVENTS.—Third persecution under Trajan, mitigated by the intercession of Pliny the younger.—Fourth persecution under Adrian.—Fifth persecution under Antoninus Pius, continued under Marcus Aurelius and Lucius Verus.—Conversion of the Germans and Gauls, and (if we may give credit to Bede) of the Britons.—Thundering Legion, a dubious event.—Insurrections of the Jews against the Romans.—The sedition and slaughter of that people under the standards of Barcocheba, the false Messiah.—The Jews driven from Jerusalem.—Horrible calumnies thrown out against the Christians by Lucian, Crescens, Celsus, and the Pagans in general.—The perusal of the Sibylline oracles prohibited by an imperial edict.—Christian assemblies are held on Sundays, and other stated days, in private houses, and in the burying places of martyrs.

PROFANE AUTHORS.—Arrian.—Aulus Gellius.—Plutarch.—Florus.—Celsus the lawyer.—Cenomaus.—Philo of Phœnicia.—Ptolemy the astronomer and geographer.—Salvius Julianus.—Suetonius.—Apollonius the philosopher.—Appian.—Fronto.—Maximus Tyrius.—Taurus Calvisius.—Apuleius.—Artemidorus.—Lucian.—Numenes.—Pausanias.—Polizenus.—Sextus Empiricus.—Athenæus.—Julius Pollux.—Diogenes Lærtius.—Gallienus.—Ammonius Saccas.—Priscus.—Cephalion.—Aristides.—Hermogenes, who, at the age of 17, published his Rhetoric; at 20, his book on Ideas; and at 25, is said to have forgot all he had learned.—Justin Martyr.—Theophilus of Antioch.—Chrysorus.—Marcus Antoninus.—Harpocration.—Polyænus.—Athenagoras.—Celsus the philosopher.—Julius Solinus.—Plotinus.—Papinian.

CENTURY III.

SOVEREIGN PRINCES.—*Roman Emperors*.—Severus, A.D. 211.—Caracalla, 217.—Geta, 212.—Macrinus, 218.—Heliogabalos, 222.—Severus Alexander, 235.—Maximin, 237.—Gordian I., II., 237.—Pupienus, Balbinus, 238.—Gordian III., 244.—Philip the Arabian, supposed to have been the first Christian emperor, 250.—Decius, 252.—Gallus Volusianus, 253.—Æmilianus, 253.—Valerian, 259.—Gallienus, 268.—Claudius II., 270.—Quintilian, 270.—

Aurelian, 275.—Tacitus, 275.—Florianus, 276.—Probus, 282.—Carus, Carinus Numerianus, 284.—Diocletian.—Maximian.

POPES, OR BISHOPS OF ROME.—Zephyrinus, A.D. 219.—Callixtus, Urban, 231.—Pontianus, 235.—Anterus, 236.—Fabianus, 251.—Corythion.—A contest between him and Novatian.—Lucius, 256.—Stephen, Sextus II., 259.—Donysius, 270.—Felix, 275.—Eutychianus, 283.—Marcellinus, 296.

ECCLIASTICAL AND THEOLOGICAL WRITERS.—The author of the *Perpetua and Felicitas*.—Minutius Felix.—Hippolytus.—Ammonius.—Africanus.—Origen.—Cyprian.—Novatian.—Gregor.—Thaum.—Dionysius Alexandria.—Pamphilus.—Anatolius.—Arnobius Africanus.—Commodus.—Archelaus.—Lucianus.—Hesychius.—Methodius.—Theognostos.—Corythion.—Paul of Samosata.—Stephen R. Pont.—Eusebius, a deacon Alexandria.—Dionysius R. Pont.—Basilides, bishop of Pentapolis.—Prudentius.

REMARKABLE EVENTS.—Sixth persecution under Severus, in which P. Perpetua, Victor, bishop of Rome, Perpetua, Felicitas, and others, suffered martyrdom.—Seventh persecution under Maximian.—Eighth under Diocletian, in which Fabianus the Roman pontiff, Babylas, Alexander, and others, suffered martyrdom.—Ninth persecution under Valerian, in which C. Lucius, Stephen I., Sixtus I., and Laurentius, suffered.—Tenth persecution under Diocletian, Maximian, Galerius, and Maximin, is much more cruel than the preceding, and famous for the martyrdom of the Theban legion, which however is a very dubious story.—The Jewish Talmud and Targum composed. The Jews are allowed to return into Palestine.—Jewish synagogues erected at Babylon, Sora, and other places.—Remarkable deaths of philosophers related by Tertullian, Eusebius, and Lucius Cæcilius.—Many illustrious men and Roman senators converted to Christianity.—The origin of monastic life derived from the austere manners of Paul the Theban, the first hermit.—Diocletian assumes the name and honours due to Jupiter, and orders the people to worship him.—Public churches, called in *basilicæ*, built for divine worship.

PROFANE AUTHORS.—Ælius Maurus.—Oppian the poet.—Quintus Smyrnaeus.—Julius Africanus.—Aulus.—Dion Cassius.—Ulpian.—Censorinus.—C. Curius Fortunatus.—Herodian.—Nicagoras.—Quintus.—Amelius.—Gentilianus.—Erennius.—Dixippus.—Cassius Longinus.—Julius Capitolinus.—Ælius Lampridius.—Trebellius.—Pollio.—Porphyrus.—Ælius Spartianus.—Flavius Vopiscus.—M. Aurel. Olymp. Nemesianus.—Alexander, a Greek philosopher.—Philostratus.—Julius Paulus.—Sextus Pompeius.

CENTURY IV.

SOVEREIGN PRINCES.—*Roman Emperors*.—Diocletian and Maximian divide the empire, A.D. 305.—Galerius, 311.—Constantius, 306.—Constantine the Great, 337.—His adversaries, Maximin, 313.—Maxentius, 312.—Licinius, 325.—Constantine II., 338.—Constantius, 361.—Constans, 350.—Julian, apostate, 363.—Jovian, 364.—Valentinian, 375.—Valens, 378.—Gratian,

Valentinian II., 392.—Theodosius [the Great, 395.—The division of the Roman empire into the Eastern and Western Empires.—*The Visigoths settle in Gaul and Spain about the latter end of this century.*—Athanaric, 382.—Alaric.

POPES, OR BISHOPS OF ROME.—Marcellinus, A.D. 304.—Marcellus, 309.—Eusebius, 311.—Melchisedes, 313.—Sylvester, 335.—Mark, 336.—Julius, 352.—Liberius, 367. A schism between Liberius and Felix.—Damascus, 384. A new schism between this pontiff and Ursinus.—Syriscus, 398.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Lactantius Firm.—Lucius Cæcilius.—Dorotheus, bishop of Tyre.—Eusebius, bishop of Cæsarea.—Constantine the Great.—Eustathius, bishop of Antioch.—Commodianus.—Alexander, bishop of Alexandria.—Juvenius.—Athanasius, bishop of Alexandria.—Antonius, who, with Paul the hermit, was the first institutor of the monastic life.—Marcellus, bishop of Ancyra.—Theodore, bishop of Heraclea.—Julius, bishop of Rome.—J. Fir. Maternus.—Pachomius.—Eusebius, bishop of Emessa.—Serapion.—Cyril, bishop of Jerusalem.—Hilarius, bishop of Poitiers.—Lucifer, bishop of Cagliari.—Phœbadius, bishop of Agen.—Eunomius.—Zeno, bishop of Verona.—Titus, bishop of Bostra.—Damascus bishop of Rome.—Epiphanius, bishop of Salamis.—Optatus, bishop of Milevi.—Pacianus.—Marius Victorinus.—Liberius, bishop of Rome.—Ephraim the Syrian.—Didymus of Alexandria.—Basil, bishop of Cæsarea.—Gregory, bishop of Nazianzum.—Gregory, bishop of Nyssa.—Amphilochius, bishop of Iconium.—Hegesippus.—Apollinarius, father and son.—Eusebius, bishop of Verceil.—Diodore, bishop of Tarsus.—Proba Falconia.—The three Macarii.—Ambrose.—Jerome.—Ruffinus.—Philastrus.—Paulinus, bishop of Aola.—Augustin. John Chrysostom.

REMARKABLE EVENTS.—Tenth persecution continued.—Athenasians or orthodox persecuted by Constantius, who was an Arian, and by Valens, who ordered 80 of their deputies, all ecclesiastics, to be put on board a ship, to which fire was set as soon as it was got clear of the coast.—Christians persecuted by Sapor.—Supposed conversion of Constantine the Great, by a vision representing a fiery cross in the air.—First general council held at Nice, in 325. In it the opinions of Arius were condemned, and popes declared equal in dignity with other Christian bishops.—Second general council held in 381, at Constantinople.—Remarkable progress of the Christian religion among the Indians, Goths, Marcomanni, and Iberians.—Famous donation of Constantine in favour of the Roman see: mere fable.—Miraculous defeat of Eugenius by Theodosius.—Julian's attempt to invalidate the predictions of the prophets, by encouraging the Jews to rebuild the temple of Jerusalem, defeated by an earthquake and fiery eruption. See Bishop of Gloucester's interesting and ingenious work, entitled, *Julian, or a Discourse, &c.*—Theodosius the Great obliged by Ambrose, bishop of Milan, to do public penance for the slaughter of the Thessalonians.—Clerical orders augmented by new ranks of ecclesiastics, such as archdeacons, country bishops, archbishops, metropolitans, exarchs, &c.

PROFANE AUTHORS.—Ælius Donatus.—Servius.—Helladius.—Andronicus.—Nonius.—Marcellus.—Sext. Aurelius Victor.—Maximus of Smyrna, who is

supposed to have taught the Emperor Julian magic.—Oribases.—Eutropius.—Libanius.—Ausonius.—Pappus, the famous mathematician.—Prudentius.—Rufus.—Festus Avienus.—Themistius.—Flavius Vegetius.—Hierocles.—Julian.—Ammianus Marcellinus.—Symmachus.—Lactantius.—Jamblichus.—Ælius Lampridius.—Eusebius of Cæsarea.—Jul. Firmicus Maternus.—Chalcidius.—Pomponius Festus.—Quintus Curtius.—Macrobius.

CENTURY V.

SOVEREIGN PRINCES.—*Emperors of the West*.—Honorius, A.D. 423.—Valentinian, 455.—Maximus, 455.—Avitus, 456.—Majoranus, 461.—Severus, 465.—Anthemius, 472.—Olybrius, 472.—Glycerius, deposed in 474.—Julius Nepos, deposed in 475.—Romulus Augustulus who reigned till the 23rd of August, when Odoacer took the title of king of Italy, and put an end to the western empire.—*Kings of Italy*.—Odoacer, 493.—Theodoric.—*Emperors of the East*.—Arcadius, 408.—Theodocius II., 450.—Marcianus, 457.—Leo I., 474.—Leo II., 474.—Zeno Isaur, 491.—Anastasius.—*Gothic Kings of Spain*.—Alaric, 411.—Ataulphus, 415.—Sigeric, 415.—Vallia, 420.—Theodoric, 451.—Thorismond, 452.—Theodoric II., 466.—Euric, 484.—Alaric II.—*Kings of France*.—Pharamond, first king, 420.—Clodion, 451.—Merovæus, 456.—Childeric, 481.—Clovis I.—*The Kings of the Vandals in Africa, where they settled in the year 429*.—Genoseric, 466.—Huneric, 484.—Gontamond, 496.—Thrasamond.—*Kings of England*.—Vortigern.—Kingdom of Kent founded by Hengist the Saxon, in 457, that of Sussex by Ælla, in 491.

POPES, OR BISHOPS OF ROME.—Anastacius, A.D. 402.—Innocent, 417.—Zosimus, 418.—Boniface I., 423.—A schism between the pope and Eulalius, Celestine I., 432.—Sextus III., 440.—Leo the Great, 461.—Hilarius, 467.—Simplicius, 483.—Felix III., 492.—Gelasius, 496.—Anastasius II., 498.—Symmachus I.—A schism between him and Laurentius.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Gaudentius, bishop of Bresse.—Sulpicius Severus.—Palladius.—Heraclides.—Innocentius.—Polychronius.—Pelagius.—Cœlestius.—Theodore, bishop of Mopsuesta.—Polychronius.—Nonnus.—Synesius.—Isidore of Pelusium.—Cyril of Alexandria.—Orosius.—Marius Mercator.—Maximus, bishop of Turin.—Theodore.—Cassian.—Peter Chrysologus.—Hilarius.—Philostorgius.—Vincent of Lerins.—Socrates.—Sozomenes.—Leo the Great.—Prosper.—Idacius.—Basil.—Seleucus.—Arnobius the younger.—Claudian Mamertus.—Faustus.—Felix the Roman pontiff.—Vigilius Tapsensis, supposed by some learned men to have been the author of what is commonly called the Athanasian Creed.—Victor the African.—Gennadius.—Zosimus.—Prosper.—Sidonius Apollinar.—Æneas Gaza.

REMARKABLE EVENTS.—Foundation of the French monarchy by Pharamond, or rather by Clovis.—Third general council held at Ephesus, at which Nestorius was deposed, in 431.—Fourth general council held at Chalcedon, against Eutyches, in 451.—Progress of Christianity among the Franks and Germans.—Conversion of the Irish to the Christian faith attempted in vain by Palladius, but effected by St. Patrick, whose original name was Succathus, who arrived in Ireland in 432.—Terrible persecutions carried on

against the Christians in Britain, by the Picts, Scots, and Anglo-Saxons;—in Spain, Gaul, and Africa, by the Vandals;—in Italy and Pannonia, by the Visigoths;—in Africa by the Donatists and Circumcellians; in Persia, by Isdegerdes;—besides the particular persecutions carried on alternately against the Arians and Athanasians.—Extinction of the western empire.—Theodocian code drawn up.—City of Venice founded by the inhabitants of the adjacent coast, who fled from the incursion of the barbarians.—Felix III., bishop of Rome (whom Bowers and others look upon as the second pope of that name), is excommunicated, and his name struck out of the diptychs, or sacred registers, by Accacius, bishop of Constantinople.

PROFANE AUTHORS.—Anienus.—Martianus Capella.—Claudian.—Eunapius.—Macrobius.—Olympiodorus.—Orosius.—Peutinger.—Rutilius Claudius Namantianus.—Servius Honoratus.—Sidonius Apollinaris.—Candidus the Isaurian.—Zosimus the historian.—Idacius.—Quintus, or Cointus.—Priscus.—Museum.—Proclus.—Simplicius.

CENTURY VI.

SOVEREIGN PRINCES.—*Kings of Italy*.—Theodoric, A.D. 526.—Athalaric, 534.—Amalasuntha, 534.—Theodatus, 536.—Vitiges, 540.—Hildebald, 541.—Totila, 553.—Tejas, 554.—*Emperors of the East*.—Anastasius, 518.—Justin I., 527.—Justinian, 565.—Justin II., 578.—Tiberius II., 586.—Mauritius.—*Gothic Kings of Spain*.—Alaric, 507.—Gesalic, 512.—Amalaric, 531.—Theuda, 548.—Theudisilla, 548.—Agili, 552.—Athanagilda, 567.—Liva, 568.—Leunigild, 585.—Richard.—These princes were masters also of Narbonne and Aquitaine.—*Kings of England*.—Third Saxon kingdom founded in England by Cerdic, in 514, and called the kingdom of the West Saxons.—Fourth, that of the East Saxons, by Erchenwen, in 527.—Fifth, that of Northumberland, by Ida, in 547.—Sixth, that of the East Angles, by Effa, in 575.—Seventh, that of Mercia, by Crida, in 582.—Thus was successively formed the Saxon Heptarchy.—*Kings of France*.—Clovis I., 511.—Kingdom divided between his four sons, viz., Thiery, Metz, 534.—Clodomir, Orleans, 534.—Childebert, Paris 558.—Clotaire, Soissons, 562.—Second division of the kingdom between the four sons of Clotaire I., viz., Cherebert, Paris, 566.—Gontran, Orleans, 593.—Childeric, Soissons, 584.—Sigibert, Metz, 575.—*Kings of the Vandals in Africa*.—Thrasamond, 528.—Hilderie, 530.—Gilimer, defeated and taken prisoner by Belisarius, in 534.—By this event Africa became again subject to the Emperors of the East.—*Kings of the Lombards who entered Italy in 568*.—Alboinus, 571.—Clephis, 573, Antharis, 590.—Agilulf.—*Esarch of Ravenna*.—Longinus, 583.—Smaragdus, 588.—Romanus, 598.—Callinicus.

POPES, OR BISHOPS OF ROME.—Symmachus, 514.—Hormisdas, 528.—John I., 528.—Felix IV., 539.—Boniface II., 531. A schism between Boniface and Dioscorus.—John II., 535.—Agapetus I., 536.—Sylvester, 540. A schism between Sylvester and Virgilius.—Virgilius, 555.—Pelagius I., 568.—John III., 572.—Benedict I., 577.—Pelagius II., 590.—Gregory I., 604.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Caesarius, bishop of Arles.—Fulgentius, bishop of Ruspæ.—Boethius.—Timothy of Constantinople.—

Eugenius I., 656.—Vitalianus, 671.—Adeodatus, 676.—Domnus, 678.—Agatho, 682.—Leo II., 684.—Benedict II., 685.—John V., 686.—Conon, 687.—Sergius I., 701.—A schism occasioned by the pretensions of Theodore and Paschalis.

ARCHBISHOPS OF CANTERBURY.—Augustin, first archbishop of Canterbury, was nominated to that high office, in 597, by Gregory the Great, bishop of Rome, with the consent of Ethelbert, king of Canterbury. He died in 611.—Laurence, 619.—Mellitus, 624.—Justus, 634.—Honorius, 653.—Adeodatus, 664.—Theodore, 690.—Brithwald.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—John Philoponos.—John Malela.—Hesychius of Jerusalem.—Theophylact.—Simocatta.—Antiochus.—Modestus.—Cyrus of Alex.—Jonas.—Gallus.—John Moschus.—Andreas Damascenus.—George Pisides.—Eligius.—The two Theodores.—Paulus.—The Emperor Heraclius.—Maximus Conf.—Theodore the Monk.—The Emperor Constans II.—Martin, bishop of Rome.—Maurus of Ravenna.—Anastasius, a monk—a Rom. presb.—Fructuosus, Hisp.—Peter, metropolitan of Nicomedia.—Julian Pomerius.—Agatho.—John of Thessalonica.—Cresconus.—Ildefonsus.—Marculph.—Maccarius.—John Climachus.—Fortunatus Venant.—Isidore of Seville, who composed Commentaries on the Historical Books of the Old Testament, and is acknowledged to have been the principal author of the famous Mosarabic Liturgy, which is the ancient Liturgy of Spain.—Dorotheus.—Sophronius, bishop of Jerusalem.

REMARKABLE EVENTS.—An extraordinary progress is made in the conversion of the English.—The archbishoprics of London and York are founded, with each 12 bishoprics under its jurisdiction.—The archbishopric of London is translated to Canterbury.—The gospel is propagated with success in Holland, Friesland, and Germany.—The schism between the Greek and Latin churches, commences in this century.—The rise of Mahomet, and the rapid progress of his religion, which is propagated by fire and sword.—The Mahometan era, called the Hegira, commences with the year of Christ, 622.—The destruction of the Persian Monarchy, under the reign of Isdegerdes III.—Boniface IV. receives from that odious tyrant Phocas (who was the great patron of the popes, and the chief promoter of their grandeur) the famous Pantheon, which is converted into a church.—Ina, king of the West Saxons, resigns his crown, and assumes the monastic habit in a convent at Rome. During the Heptarchy, many Saxon kings took the same religious turn.—Pope Agatho ceases to pay the tribute which the see of Rome was accustomed to pay the emperor at the election of its pontiff.—The sixth general council is held at Constantinople, under Constantine Pogonatus.—The seventh, which is looked upon by some as a kind of supplement to this, was held in the Trullus, under Justinian II, in the year 692, and is called Quinisextum.

PROFANE AUTHORS.—The author of the Alexandrian Chronicle.—Isidore of Seville, who besides his theological productions, composed a history of the Goths and Vandals, and a work entitled, *Etymologicon Scientiarum*, in which he gives an account of the origin and nature of the different sciences.—In this century commenced that long period of ignorance and darkness which remained until the light of the Reformation arose.

CENTURY VIII.

SOVEREIGN PRINCES.—*Emperors of the East*.—Justinian II., A.D. 711.—Philippicus, 713. Anastasius II., 714. Theodosius III., 716. Leo III. Isaur., 741. Constantine V. Copron., 775. Leo IV., 780. Constantine VI. Porphy., 797. Irene.—*Kings of the Visigoths in Spain*.—Egica, 700. Vitiza, 710. Rhoderic, the last king of the Goths, 713. *Kings of Leon and the Asturias*.—Pelagius, 737. Favila, 739. Alphonso, 757. Froila, 768. Aurelio, 774. Silo, 783. Mauregat, 788. Veremond, 791. Alphonso II. *Kings of France*.—Childebert III., 711. Dagobert III., 715. Childeric II., 720. Theodoric IV., 736. Interregnum, from the year 737 to 743, during which time Carloman and Pepin, sons of Charles Martel, governed without the regal title. Childeric III. dethroned in 750. The last king of the first race. *Second Race*.—Pepin, 768. Charlemagne. *England*.—The Heptarchy. *Kings of the Lombards in Italy*. Luitpert, 704. Ragumbert, 740. Aripert, 712. Ansprand, 717. Luitprand, 736. Hildebrandt, 744. Rachis, 750. Aistulphus, 756. Desiderius, 773. The kingdom of the Lombards, which subsisted during the space of 206 years, was overturned by Charlemagne, who, having defeated Desiderius, caused himself to be crowned king of the Lombards, in the year 774. *Exarchs of Ravenna*. Theophylact, 710. Jo. Procopius, 712. Paul, 729. Eutychius, 752. The Exarchate subsisted during the space of 185 years. It ended in the reign of Aistulphus, king of the Lombards, who reduced Ravenna, and added it to his dominions. But this prince was obliged by Pepin, king of France, to surrender the Exarchate, with all its territories, castles, &c., to be for ever held by Pope Stephen III. and his successors in the see of Rome. This is the true foundation of the temporal grandeur of the popes.

POPES, OR BISHOPS OF ROME. John VI., 705. John VII., 707. Sisinius 708. Constantine, 714. Gregory II., 731. Gregory III., 741. Zachary, 752. Stephen II., 752. Stephen III., 757. Paul I., 767. A schism between Paul and Theophylact. Stephen IV., 772. A schism between Constantine, Philip, and Stephen IV. Adrian, 795. Leo III.

ARCHBISHOPS OF CANTERBURY. Britwald, 731. Tatwin, 734. Nothelm, 741. Cuthbert, 758. Bregwin, 762. Lambert, 790. Athelard.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Venerable Bede. John Damascenus. The anonymous author of a book entitled, *Ordo Romanus de Divinis Officiis*, published in the *Bibl. Patr.* Charlemagne, see the *Capitulare*, published by Baluzius, at Paris, in 1677, and the *Codex Carolinus*, published at Ingolstadt, in 1634, by Gretzer. Ambrosius Authbertus. The popes Gregory I., Gregory II., and Adrian Florus. Paul the Lombard. Paulinus, bishop of Aquileia. Alcuin, a native of England, and one of the principal instruments made use of by Charlemagne for the restoration of learning. He is considered by Du Pin, as the person that first introduced polite literature into France, and it is to him that the universities of Paris, Tours, Soissons, &c., owe their origin. Felix, Archbishop of Ravenna. Germanus, bishop of Constantinople. The unknown author of a book entitled, *Liber Diurnus Pontificum Romanorum*. Egbert, archbishop of York. Bartholemew, a monk of Edessa, who refuted the Alcoran. Boniface, archbishop of Mentz, commonly called the Apostle of Germany. Anastasius,

abbot in Palestine. Theophanes. Aldhelm, bishop of Shireburn, under the Heptarchy, and nephew to Ina, king of the West Saxons.

REMARKABLE EVENTS. Rapid progress of the Saracens in Asia and Africa. The downfall of the kingdom of the Lombards and of the exarchate of Ravenna, the latter of which is granted to the see of Rome, by Pepin, king of France. Charlemagne adds to the grant of Pepin, several provinces; though the titles and acts of this grant have not been produced by the Roman Catholic historians. The ceremony of kissing the Pope's toe introduced. The Saxons, with Whittekind, their monarch, converted to Christianity. The Christians persecuted by the Saracens, who massacre five hundred monks in the abbey at Lerins. The Saracens take possession of Spain. Controversy between the Greek and Latin Churches. The Germans converted by Boniface. The gospel propagated in Hyrcania and Tartary. Churches built in honour of saints. Willebrod sent to convert the Frisons; he was the first bishop of Utrecht.

PROFANE AUTHORS. Alcuin (see fourth head.) Bede. Fredagarius. John Damascenus. George Syncellus. Virgilius.

CENTURY IX.

SOVEREIGN PRINCES.—Emperors of the East.—Irene, A.D. 802. Nicephorus, 811. Sauratus, 811. Michael Curopolites, 813. Leo Armen., 820. Michael Balb., 829. Theophilus, 842. Michael III., 867. Basilus I. Macedo, 886. Leo VI., Philos. **Emperors of the West.**—The Western Empire was restored in the year 800, in favour of Charlemagne, king of France. Charlemagne, 814. Lewis the Debonnaire, 840. Lothaire, 855. Lewis II., 875. Charles II., surnamed the Bald, 877. Lewis III., 879. Carloman, 880. Charles III., deposed, 887. After the death of this prince, (who was the last king of France that was emperor,) Germany and Italy were entirely separated from the French monarchy. Arnolph, 899. Lewis IV. **Kings of Spain, i. e. of Leon and the Asturias.** Alphonso the Chaste, 844. Ramiro, 851. Ordogno, 862. Alphonso III. **Kings of France.**—Charlemagne, 814. Lewis I. the Debonnaire, 840. Charles II. the Bald, 877. Lewis II., 879. Lewis III. and Carloman, 884. Charles III., 888. Eudes, 898. Charles the Simple. **Kings of England.**—The Heptarchy finished by the union of the seven kingdoms under the government of Egbert. Egbert, 837. Ethelwolf, 857. Ethelbald 860. Ethelbert, 866. Ethelred, 871. Alfred the Great, 899. **Kings of Scotland.**—The history of Scotland is divided into four great periods. The first, which commences with Fergus I., 330 years before Christ, and contains a series of 68 kings, which ends with Alpinus, in the year 823, is looked upon as entirely fabulous. We shall therefore begin this chronological list with the second period, which commences with Kenneth II. Kenneth II., 854. Donald V., 850. Constantine II., 874. Ethus, 874. Gregory, 893. Donald VI. **Kings of Sweden.**—The origin of this kingdom is covered with uncertainty and fables. Some historians reckon 36 kings before Biorno III., but it is with this latter prince that chronologers generally begin their series. Biorno III., 224. Brantamond, 827. Sivard, 842. Heroth, 856. Charles VI., 868. Biorno IV., 883. Ingo, or Ingelde, 891.

POPES, OR BISHOPS OF ROME. Leo III. A.D. 816. Stephen V., 817. Paschal I., 824. Eugenius II., 827. A schism between Eugenius II., and Zizinus. Valentine, 827. Gregory IV., 843. Sergius II., 847. Leo IV. 855. Pope Joan. Benedict III., 858. A schism between Benedict and Anastasius. Nicolas I., 867. Adrian II., 872. John VIII., 882. Martin I., 884. Adrian III., 885. Stephen VI., 891. Formosus, 896. A schism between Formosus and Sergius. Boniface VI., 897. Stephen VII., 900. A schism between Stephen VII., John IX., Romanus I. and II., and Theodore II.

ARCHBISHOPS OF CANTERBURY. Athelard, 806. Wulfred, 830. Theogild, 830. Celneth, 871. Athelred, 889. Plegmund.

ECCLESIASTICAL AND THEOLOGICAL WRITERS. Nicephorus, patriarch of Constantinople. Amalarius, bishop of Triers. Theodore Studita. Agobard, archbishop of Lyons. Eginhard. Claudius. Clement, bishop of Turin. Jonas, bishop of Orleans. Freenlph, bishop of Lisieus. Moses Barcepha. Photius, patriarch of Constantinople. Theod. Abucara. Petrus Siculus. Nicetas David. Rabanus Maurus, archbishop of Mentz. Hilduin. Servatus Lupus. Drepanius Florus. Druthmar. Godeschalus. Pascasius Radbert, chief of the Transubstantiarists. Bertramm, or Ratramn, of Corby, who refuted the monstrous errors of Radbert, and was at the head of those who denied the corporeal presence of Christ in the Eucharist. Haymo, bishop of Halberstadt. Walfridus Strabo. Hincmar, archbishop of Rheims. John Scotus Erigena. Ansegisus. Florus Magister. Prudens, bishop of Troyes. Remy, of Lyons. Nicolas. Adrian. John VIII., pope. Anastasius, Bibl. Auxilius. Theodulph, bishop of Orleans. Smaragdus. Aldric, bishop of Mans. Ado of Vienna. Isidorus Mercator, author of the False Decretals. Jesse, bishop of Amiens. Dungal. Halitgaire, bishop of Cambray. Amulon, archbishop of Lyons. Vandalbert. Angelome Epiphames, archbishop of Constantia, in the island of Cyprus. Herrie. Reginon. Abbon. William, the librarian. Pope Formosus. Pope Stephen. Methodius, who invented the Slavonian characters, and made a translation of the bible for the Bulgarians, which was used by the Russians. Alfred the Great, king of England, composed a Saxon Paraphrase on the Ecclesiastical History of Bede, a Saxon version of Orosius, and a Saxon Psalter. The Emperor Basilus Macedo. The Emperor Leo, surnamed the Philosopher.

REMARKABLE EVENTS. The conversion of the Swedes, Danes, Saxons, Huns, Bohemians, Moravians, Slavonians, Russians, Indians, and Bulgarians, which latter occasions a controversy between the Greek and Latin churches. The cause of christianity suffers in the East under the Saracens, and in Europe under the Normans. The power of the pontiffs increases; that of the bishops diminishes; and the emperors are divested of their ecclesiastical authority. The Decretals are forged, by which the popes extended the limits of their jurisdiction and authority. Monks and abbots now first employed in civil affairs, and called to the courts of princes. The Emperor Lewis II. is obliged, by the arrogant pontiff Nicolas I., to perform the functions of groom, and hold the bridle of this Pope's horse, while his pretended Holiness was dismounting. Photius, patriarch of Constantinople, excommunicates the pope. The University of Oxford founded by Alfred.

1041.—Michael V. Calaphates, 1042.—Constantine IX. Monomach, 1054.—Theodora, 1056.—Michael VI., Strat., 1057.—Isaac I. Comnenus, 1059.—Constantine X. Ducas, 1067.—Romanus III. Diogenes, 1071.—Nicephorus II. Botoniates, 1080.—Alexis Comnenus.—*Emperors of the West*.—Otho III., 1002.—Henry II., 1024.—Conrad II., 1039.—Henry III., 1056.—Henry IV.—*Kings of Spain, i. e. of Leon and the Asturias*.—Alphonso, 1027.—Vere-mond III., 1037.—*Kings of Leon and Castile united*.—Ferdinand I. sur-named the Great, 1065.—Sancho II., 1073.—Alphonso VI.—*Kings of France*.—Robert 1081.—Henry I., 1061.—Philip I.—*Kings of England*.—Ethelred, 1016.—Edmond Ironside, 1017.—Canute the Great King of Den-mark, 1035.—Harold Harefoot, 1039.—Hardicanute, 1041.—Edward the Con-fessor, 1066.—Harold, 1066.—*Norman Line*.—William the Conqueror, 1067.—William Rufus, 1100.—*Kings of Scotland*.—Grimus, 1003.—Mal-corm II., 1083.—Donald VII., by some called Duncan, 1040.—Macbeth, 1057.—Malcolm III., 1093.—Donald VIII., dethroned 1094.—Duncan II., 1096.—Donald again, 1097.—*Kings of Sweden*.—Olaus II., 1019.—Asmund, 1035.—Asmundslem, 1041.—Hakon, 1059.—Stenchil, 1061.—Ingo III., 1064.—Halstan, 1080.—Philip.—*Kings of Denmark*.—Sweyn, 1014.—Canute the Great, king of England, 1035.—Harold, 1040.—Hardicanute, 1041.—Magnus, 1048.—Sweyn II., 1074.—Harold VII., 1085.—St. Canute, 1086.—Olaus III., 1086.—Eric III.—*Kings of Poland*.—Boleslaus, first king, 1025.—Micislaus 1034.—Interregnum.—Casimir, 1058.—Boleslaus II., 1079.—Ladislaus.—*Kings of Jerusalem*.—Godfrey, chosen king in 1099, dies in 1100.—Baldwin I.

POPES, OR BISHOPS OF ROME.—Sylvester II., 1003.—John XVII., 1003.—John XVIII., 1009.—Sergius IV., 1012.—Benedict VIII., 1024. A schism between Gregory and Benedict.—John XIX., 1033.—Benedict IX., 1044. A schism between the two Johns and Benedict.—Gregory VI., 1046.—Clement II., 1048.—Damascus II., 1049.—Leo IX., 1054.—Victor II., 1057.—Stephen IX., 1059.—Benedict X., 1059.—Nicolas II., 1061. A schism between Nico-las II. and Benedict.—Alexander II., 1073. A schism between Alexander II. and Cadalous.—Gregory VII., 1086. A schism between Gregory VII. and Guy, bishop of Ravena.—Victor III., 1088.—Urban II., 1089.

ARCHBISHOPS OF CANTERBURY.—Aluric, or Alfric, 1006.—Elphegus massa-cred by the Danes, in the year 1012.—Livingus, 1020.—Agelmoth, 1038.—Eadsinus, 1050.—Robert Gemetic, 1052.—Stigand, 1069.—Lanfranc, 1089.—Anselm.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Dithmar, bishop of Merse-burg.—Leo the Grammarian.—Aymond.—Fulbert, bishop of Chartres.—Adel-brord, bishop of Utrecht.—Alexius, patriarch of Constantinople.—Bernò of Augsburg.—Ademar.—The Brunos.—Lanfranc, archbishop of Canterbury.—Theophanes Cerameus.—Nilus Doxopatrius.—Michael Psellus.—Michael Ce-regularius.—Simeon the Younger.—Theophylact, a Bulgarian.—Cardinal Hum-bert.—Petrus Damianus.—Marianus Scotus.—Anselm, archbishop of Can-terbury.—Yves, bishop of Chartres.—Hildebert, archbishop of Tours.—Pope Gregory VII.—Gerhard.—Hugh of Bretenil.—Berthold.—Hermannus Con-tract.—Peter, patriarch of Antioch.—Glaber Radulphus.—Deodunus, bishop of Leige.—Adelman.—Nicetas Pectoratus.—Leo of Bulgaria.—Constant.—Guitmundus.—Manasses, archbishop of Rheims.—John, patriarch of Antioch.

Sigefrid.—Samonius of Gaza.—Samuel of Morocco, a converted Jew.—John Xiphilinus Lambert. A famous but anonymous work, called Micrologus.—Adam of Bremen.—John Curopalates.—Benno of Ravenna.—Nicolas of Methone.—Philip the Solitary.—Othlon of Fulda.—Tangmar.—Gui Aretine.—Eugisippus.—Dominic of Grado.—Guitmond.—Alberic.—Osborn, a monk of Canterbury.

REMARKABLE EVENTS.—The Crusades are carried on.—Godfrey of Bouillon takes possession of Jerusalem in the year 1099.—A contest between the emperors and popes, in which the latter discover a most arrogant and despotic spirit.—The dignity of Cardinal is first instituted in this century.—The Moors are driven by degrees from several parts of Spain; hence arose the division of that country into so many little kingdoms.—Sicily, Castile, Poland, and Hungary are erected into kingdoms.—The kingdoms of Burgundy and Arles is transferred to the emperor Conrad II. by Rodolphus, king of Burgundy.—Several of the popes are looked upon as magicians; as, in these times of darkness, learning, and more especially philosophy and mathematics, were looked upon as magic. Investitures introduced in this century.—The tyranny of the popes is nobly exposed by the emperors Henry I., II., and III., by William I., king of England, and other monarchs of that nation, by Philip king of France, and by the British and German churches.—The Emperor Henry IV. goes barefooted to the insolent pontiff Gregory VII. at Canusium; and does homage to this spiritual tyrant in the most ignominious manner. The same emperor, however, besieges Rome soon after, and makes a noble stand against the pontiff.—Dooms-day book is compiled from a survey of all the estates in England.—Jerusalem is taken by the crusaders.

PROFANE AUTHORS.—Leo the Grammarian.—Adelbrord.—Michael Psellus.—Anselm, archbishop of Canterbury.—Gui Aretine, the inventor of musical notes.—Wippo.—John Scylitzes.—Avicenna, an Arabian philosopher.—Stephen, the first Christian king of Hungary.—Alphes, a Jew.—Josippon, or the false Josephus.—Ferdousi, a Persian poet.—Roscelinus.—John the philosopher.—John Curopalates, one of the Byzantine historians.

CENTURY XII.

SOVEREIGN PRINCES.—*Emperors of the East.*—Alexius I. Comnen., A.D. 1118.—John II. Comnen., 1143.—Emanuel Comnen., 1180.—Alexius II. Comnen., 1188.—Andronicus Comnen., 1185.—Isaac II. Ang., 1195.—Alexius III. Ang. or Comnen.—*Emperors of the West.*—Henry IV., 1106.—Henry V., 1125.—Lotharius II., 1138.—Conrad III., 1152.—Frederic I. surnamed Barbarossa, 1190.—Henry VI., 1197.—Philip.—*Kings of Spain, i. e. of Leon and Castile.*—Alphonso VI., 1109.—Alphonso VII., 1137.—Alphonso VIII., 1157.—Sancho III., 1158.—Ferdinand II., 1175.—Alphonso IX.—*Kings of France.*—Philip I., 1108.—Lewis VI. surnamed the Gros, 1137.—Lewis VII., surnamed the young, 1180.—Philip Aug.—*Kings of England.*—Henry I., 1135.—Stephen, 1154.—Henry II., 1189.—Richard I., 1199.—John.—*Kings of Scotland.*—Edgar, 1106.—Alexander, 1124.—David, 1153.—Malcolm IV., 1165.—William.—*Kings of Sweden.*—Philip, 1110.—Ingo IV., 1129.—Ragwald, 1140.—Magnus, deposed in 1148.—Suercher I., 1160.—Eric, the Holy,

1161.—Charles VII., 1168.—Canute, 1192.—Suerher II.—*Kings of Denmark*.—Eric II., 1101.—Nicolas, 1135.—Eric III., 1138.—Eric IV., 1147.—Sweyn IV., 1155.—Canute V., 1155.—Valdemar, 1182.—Canute VI.—*Kings of Poland*.—Uladislaus I., 1102.—Boleslaus III., 1139.—Uladislaus II., 1146, Boleslaus IV., 1173.—Miciuslaus, 1178.—Casimer II., 1192.—Lescus.—*Kings of Jerusalem*.—Baldwin I., 1118.—Baldwin II., 1131.—Foulques, 1141.—Baldwin III., 1162.—Almeric, 1178.—Baldwin IV., 1185.—Baldwin V., 1186. Guy of Lusignan. Jerusalem was retaken by the infidels in 1187.—Almeric, from 1196 to 1205.—*Kings of Portugal*.—Alphonso I., proclaimed king in 1139; dies in 1185.—Sancho I.

POPES, OR BISHOPS OF ROME.—Paschal II., 1118.—Clement, Albrecht, Theodore, and Maginulph (Antipopes).—Gelasius II., 1119.—Calistus II., 1124.—Honorius II., 1130.—Innocent II., 1143.—Celestine II., 1144.—Lucius II., 1145.—Eugenius III., 1158.—Anastasius IV., 1155.—Adrain IV. 1159.—Alexander III., 1181.—Lucius III., 1185.—Gregory VIII., 1187.—Clement III., 1191.—Celestine III., 1198.

ARCHBISHOPS OF CANTERBURY.—Anselm, 1109.—Rodulphus, 1122.—William Corbeil, 1136.—Theobald, 1168.—Thomas à Becket, 1170.—Richard, 1183.—Baldwin, 1191.—Reginald Fitzjocelin, 1191.—Hubert Walter.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Gilbert, abbot of Westminster.—Guilbert.—Sigobert of Gemblours.—Peter Alphonso.—Odo of Orleans.—Godfrey of Vendome.—Rupert of Duyts.—Baldric.—Arnulph, bishop of Lisieux.—Bernard of Clairval.—Abelard.—Athelred.—Baldwin, archbishop of Canterbury.—Euthimius Zigab.—William of Somerset.—John of Salisbury.—Thomas à Becket, archbishop of Canterbury.—Gervais, a monk of Canterbury.—Nicephorus of Brienne.—Anselm, bishop of Havelb.—John Zonaras.—Mich. Glycas.—Hugh Victorinus.—Eadmerus.—George Cedrenus.—Peter the Venerable.—Honorius of Autun.—Foucher.—Alger.—Gratian.—Peter Lombard.—Henry of Huntingdon.—William, bishop of Rheims.—Constantine Harmen.—Orderic Vital.—Constantine Manass.—Zacharius Chrysop.—Peter of Blois.—Peter Comestor.—Peter de Celles.—Peter of Poitiers.—John Cinnamus.—John Beleth.—Helmold.—Gislebert, bishop of London.—Stephen Harding.—George Xiphilin.—Alexander Arist.—Godfrey of Viterbo.—Theod.—Balsamon.—Richard of St. Victor.—William of Auxerre.—Bruno of Ast.—Simeon of Durham.

REMARKABLE EVENTS.—The Slavonians and the inhabitants of the island of Rugen receive the light of the gospel, and their example is followed by the Livonians and Finlanders.—The state of affairs in Asiatic Tartary changes in favour of the Christians, by the elevation of Prester John.—The crusade is renewed.—The kingdom of Jerusalem is overturned, and the affairs of the Christians in Palestine decline.—A third crusade undertaken.—The three famous military orders instituted, viz.:—The Knights of St. John of Jerusalem; the Knights Templars; the Teutonic Knights of St. Mary.—The original MS. of the famous Pandect of Justinian is discovered in the ruins of Amalphi, or Melphi, when that city was taken by Lotharius II. in 1137, and this emperor makes a present of it to the city of Pisa, whose fleet had contributed, in a particular manner, to the success of the siege.—The

contest between the emperors and the popes is renewed under Frederick Barbarossa and Adrian IV. The insolence of the popes excessive.—Becket, archbishop of Canterbury, assassinated before the altar, while he was at vespers in his cathedral.—The scholastic theology had its rise in this century.—The seeds of the Reformation sown in this century by the Waldenses, and other eminent men, in England and France.—The canon law formed into a body by Gratian.—Academical degrees introduced in this century.—Learning revived and encouraged in the university of Cambridge.—The pope declares war against Roger, king of Sicily, who takes from his holiness Capua and Beneventum.—The council of Clarendon held against Becket.—The kings of England and France go to the Holy Land.—Henry II. of England, being called by one of the Irish kings to assist him, takes possession of Ireland.

PROFANE Writers.—Roger Bacon.—Anselm of Laon.—Vaccarius.—Leoninus, the supposed introducer of Latin rhymes.—Roger Hoveden.—John of Salisbury.—William of Somerset.—John Zonaras.—George Cedrenus.—John Cinnamus.—Sylvester Girald, bishop of St. David's.—Godfrey of Viterbo.—William of Newbury, an English historian.—Pelagius, bishop of Oviedo.—John of Milan, author of the poem called *Schola Salernitana*.—Robert Pullein, an English cardinal.—Abraham Aben-Ezro.—John and Isaac Tzetzes.—Henry of Huntingdon.—Nicetas.—Wernier.—Moses Maimonides.—Anvari, a Persian astronomer.—Portius Azo.—Nestor, a Russian historian.—Falcandus.—Benjamin de Tudela, a Spanish Jew, whose travels were translated by Baratrier.—Averroes.—Eustathius, bishop of Thessalonica.—Solomon Jarchi.—Alhasen, an Arabian, who composed a large work on Optics.—George Elmacin, author of the history of the Saracens, translated by Erpennius.—Jeffrey of Monmouth.

CENTURY XIII.

SOVEREIGN PRINCES.—*Emperors of the East*.—Alexius III., dethroned in 1203.—Alexius IV., dethroned in 1204.—Alexius Ducas, surnamed Murzuphle, 1204.—*Latin Emperors of the East, residing at Constantinople*.—Baldwin I., 1205.—Henry, 1216.—Peter, 1221.—Robert, 1229.—Baldwin II., 1261.—*Greek Emperors residing at Nice*.—Theodore Lascaris, 1222.—John Ducas III., 1255.—Theodore Lascaris, 1259.—John Lascaris IV., 1259.—Mich. Palæologus retakes Constantinople in the year 1261, and thus unites in his person the Latin and Greek empires; he dies in 1283.—Andronicus II.—*Emperors of the West*.—Philip, 1208.—Otho IV., 1218.—Frederic II., 1250.—Civil wars, and an interregnum, during which, Conrad of Suabia; William, count of Holland; Richard, king of England; Alphonso of Spain; Ottocar of Bohemia, appear on the scene of action.—Rodolphus of Hapsburg is elected emperor, and dies in 1291.—Adolphus of Nassau, 1298.—Albert I.—*Kings of Spain, i. e. of Leon and Castile*.—Alphonso IX., 1214.—Henry I., 1217.—Ferdinand III., 1252.—Alphonso X., 1284.—Sancho IV., 1295.—Ferdinand IV.—*Kings of France*.—Philip Aug., 1223.—Louis VIII., 1226.—Louis IX., sainted 1270.—Philip III. the Hardy, 1285.—Philip IV. the Fair.—*Kings of England*.—John, 1216.—Henry III., 1272.—Edward I.

—*Kings of Scotland*—William, 1214.—Alexander II., 1249.—Alexander III., 1286.—Interregnum.—John Baliol.—*Kings of Sweden*.—Suercher II., 1211.—Eric X., 1218.—Jean I., 1222.—Eric XI., 1250.—Waldemar, 1276.—Manus, 1290.—Birger.—*Kings of Denmark*.—Canute VI., 1202.—Waldemar II., 1241.—Eric VI., 1250.—Abel, 1252.—Christopher, 1259.—Eric VII., 1286.—Eric VIII.—*Kings of Poland*.—Lescus V., 1203.—Uladislaus III., 1226.—Boleslaus V., 1279.—Lescus VI., 1289.—Boleslaus, Henry, and Uladislaus, take the title of Governors.—Premislaus, 1296.—Uladislaus IV., deposed in 1300.—Wincelauls, king of Bohemia.—*Kings of Portugal*.—Sancho I., 1212.—Alphonso II., 1223.—Sancho II., 1246.—Alphonso III., 1279.—Dennis.

POPES, OR BISHOPS OF ROME.—Innocent III., 1216.—Honorius III., 1226.—Gregory IX., 1241.—Celestine IV., 1234.—Innocent IV., 1254.—Alexander IV., 1261.—Urban IV., 1264.—Clement IV., 1268.—Gregory IX., 1276.—Innocent V., 1276.—Adrain V., 1276.—John XX., 1277.—Nicolas III., 1280.—Martin IV., 1285.—Honorius IV., 1288.—Nicolas IV., 1292.—Celestine V., 1294.

ARCHBISHOPS OF CANTERBURY.—Hub. Walter, 1204.—Stephen Langton, 1228.—Richard Wethershed, 1231.—St. Edmund, 1242.—Boniface, 1270.—Robert Kilwarby, 1578.—John Peckham, 1291.—Robert Winchelsey.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Joachim.—John, bishop of Macedonia.—Demetrius Chomatenus.—Mark, patriarch of Alexandria.—Malachy, archbishop of Armagh.—Nictas Choniates.—Francois d'Assise.—Alan de l'Isle.—Jacobus de Vitriaco.—Peter the Monk.—Anthony of Padua.—Germanus Cæsarius.—William of Paris.—Raymond of Pennafort.—Alexander de Hales.—Edmund Rich, archbishop of Canterbury.—Thomas of Spalatro.—John Peckham, archbishop of Canterbury.—Roger Bacon.—Albert the Great.—Robert Grosseteste.—Vincent de Beauvais.—Robert Sorbon.—George Acropolita.—Hugo de St. Caro.—George Metochita.—Guillaume de St. Amour.—Nicephorus Blem.—Thomas Aquinas.—Bonaventura.—Gilbert of Tournay.—John of Paris, an opposer of transubstantiation and papal tyranny.—John Beccus.—Nictas Acomenatus.—Theodore Lascaris.—Arsenius.—George Pachymer.—George the Cyprain.—Stephen Langton, archbishop of Canterbury.—Robert Capito.—Thomas Cantiprat.—Richard Middleton.—William Durand.—Ægidius de Columna.—Guil. Peraldus.—Martin Polon.—Raymond Martin.—Gregory Abulfaragius.—Jacob de Voragine.—Guillaume de Seignelai, bishop of Auxerre.—William of Auvergne, bishop of Paris.—Henry of Ghent.—Pope Boniface VIII.

REMARKABLE EVENTS.—The Mahometan Religion triumphs over Christianity in China and the northern parts of Asia, by flattering the passions of voluptuous princes.—A papal embassy is sent to the Tartars by Innocent IV.—A fourth crusade is undertaken by the French and Venetians, who make themselves masters of Constantinople, with a design to restore the throne to Isaac Angelus, who had been dethroned by his brother Ducas.—The emperor Isaac is put to death in a sedition, and his son Alexius strangled by Alexius Ducas, the ringleader of this faction.—The crusaders take Constantinople a second time, dethrone Ducas, and elect Baldwin, count of Flanders, emperor

emperor of the Greeks.—The empire of Franks in the East, which had subsisted fifty-seven years, is overturned by Michael Palæologus.—A fifth crusade, which is carried on by the confederate arms of Italy and Germany.—Damiette taken, but soon after retaken.—The fleet of the crusaders ruined by the Saracens.—The fifth crusade undertaken by Lewis IX., who retakes Damietta, is afterwards reduced, with his army, to the greatest extremities; dies of the plague in a second crusade, and is canonized.—The knights of the Teutonic order, under command of Herman de Saltza, conquer and convert to Christianity the Prussians, at the desire of Canrad, duke of Massovia.—Christianity is propagated among the Arabians in Spain.—The philosophy of Aristotle triumphs over all the systems that were in vogue before this century.—The power of creating bishops, abbots, &c., is claimed by the Roman pontiffs, whose wealth and revenues are thereby greatly augmented.—John, king of England, excommunicated by pope Innocent III., is guilty of the basest compliances, through his slavish fear of that insolent pontiff.—The inquisition established in Narbonne Gaul, and committed to the direction of Dominic and his order, who treat the Waldenses, and other reputed heretics, with the most inhuman cruelty.—The Magna Charta is signed by King John and his barons, on the 15th June, at Runnymede, near Windsor.—Conrad, duke of Suabia, and Frederick of Austria, beheaded at Naples by the direction of pope Clement.—The Jews are driven out of France by Lewis IX., and all the copies of the Talmud that could be found are burnt.—The college of electors founded in the empire.—The association of the Hanse Towns.—The present House of Austria take their rise in this century.—Wales is conquered by Edward, and united to England.—There is an uninterrupted succession of English parliaments from the year 1293.

PROFANE AUTHORS.—Roger Bacon, one of the great restorers of learning and philosophy.—Saxo Grammaticus.—Ralph de Diceto.—Walter of Coventry.—Alexander of Paris, the founder of French poetry.—Villehardoin, an historian.—Accursi of Florence.—Kimchi, a Spanish Jew.—Conrad de Lichtennaw.—John Holywood, called De Sacro Bosco, author of the *Sphæra Mundi*.—Actuarius, a Greek Physician.—Rod. Ximenes, archbishop of Toledo.—Michael Coniat, bishop of Athens.—Ivel.—Aiggor, an historian.—Pierre de Vignes.—Matthew Paris.—Suffrides.—Soxomene, author of the *Universal Chronology*, which is yet in MS. in the possession of the regular canons of Fisoli, near Florence.—Bathol. Cotton of Norwich; see Wharton's *Anglia Sacra*.—Engelbert.—Thos. Wicke, an English historian.—Vitellio, a Polish mathematician.—Albert the Great.—Colonna, archbishop of Messina.—Michael Scot, the translator of Aristotle.—Gregory Abulfaragius.—Foscarari of Bologna.—Alphonso, king of Castile.—Cavalcanti of Florence.—Dinus, a famous jurist.—Marco Paolo, a Venetian, whose travels in China are curious.—Francis Barberini, an Italian poet.

CENTURY XIV.

SOVEREIGN PRINCES.—*Emperors of the East*.—Andronicus II. A.D. 1332.—Andronicus the Younger, 1341.—John Cantacuzenus usurps the government under John Palæologus, and holds it till the year 1355.—John VI., Palæol,

1390.—Andronicus IV., 1392.—Emanuel II.—*Emperors of the West*.—Albert I., 1308.—Henry VII. Luxemb., 1313.—Lewis V. Bav., 1347.—Charles IV.—1378.—Wenceslaus, 1400.—*Kings of Spain, i. e. of Leon and Castile*.—Ferdinand IV., 1312.—Alphonso IX., 1350.—Pedro the Cruel, 1369.—Henry II., 1379.—John I., 1390.—Henry III.—*Kings of France*.—Philip the Fair, 1314.—Lewis X. Hutin, 1315.—Philip V., 1321.—Philip VI. Valois, 1350.—John, 1364.—Charles V., 1380.—Charles VI.—*Kings of England*.—Edward I., 1307.—Edward II., 1327.—Edward III., 1377.—Richard II., 1390.—Henry IV.—*Kings of Scotland*.—John Baliol, 1306.—Robert Bruce, 1329.—David II., 1370.—Robert II., 1390.—Robert III.—*Kings of Sweden*.—Birger, 1326.—Magnus, 1363.—Albert defeated by Margaret queen of Denmark in 1387: dies in the year 1396.—Margaret.—*Kings of Denmark*.—Eric VIII., 1321.—Christopher II., 1333.—Waldemar III., 1375.—Olaus, 1387.—Margaret.—*Kings of Poland*.—Wenceslaus, 1305.—Uladislaus reascends the throne, and dies in 1333.—Cassimir III., 1370, the last of the Piasts.—Lewis king of Hungary, 1387.—Interregnum.—Uladislaus.—Jagellon, duke of Lithuania.—*Kings of Portugal*.—Dennis, 1325.—Alphonso IV., 1357.—Pedro the Justiciary, 1367.—Ferdinand, 1383.—Interregnum.—John I.—*Ottoman Emperors*.—The ancient history of the Turks extends from the beginning of the seventh to the commencement of the fourteenth century. The modern commences about the beginning of the fourteenth century.—Othman, 1327.—Or Khan, 1359.—Amurat, or Morad, 1389.—Bajazet.

POPES, OR BISHOPS OF ROME.—Boniface VIII., 1303.—Benedict XI., 1314.—Clement V., 1316.—John XXI., 1334. A schism between Peter and John.—Benedict XII., 1342.—Clement VI., 1352.—Innocent VI., 1362.—Urban V., 1372.—A schism between Urban and Clement.—Gregory XI., 1378. The death of Gregory XI., occasioned that violent schism that threw the Western church into the utmost confusion. The church of Rome had two popes, one residing at Rome, the other at Avignon.—*At Rome*.—Urban VI., 1389.—Boniface, IX.—*At Avignon*.—Clement VII., not acknowledged, 1394.—Benedict XIII.

ARCHBISHOPS OF CANTERBURY.—Robert Winchelsey, 1313.—Walter Reynold, 1327.—Simon Mepham, 1333.—J. Stratford, 1348.—Thomas Bradwardine, 1349.—Simon Islip, 1365.—Simon Langham, 1374.—Simon Sudbury, 1381.—W. Courtney, 1396.—Thomas Arundel.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Nicephorus Callistus.—Raymond Lully.—Matthæus Blastares.—Barlaam.—Greg.—Acindynus.—John Cantacuzenus.—Nicephorus Greg.—John Duns Scotus.—Andrew of Newcastle.—Francis Mayron.—Durand of St. Portian.—Nicolas de Lyra.—John Bacon.—William Occam.—Nicolas Triveth.—Andrew Horne.—Richard Bury.—Walter Burley.—Richard Hampole.—Robert Holkot.—Thomas Bradwardine, archbishop of Canterbury.—John Wickliffe.—Thomas Stubbs.—John de Burgo.—William Woolfort. *The last thirteen all English authors*.—Peter Aureolus.—John Bassolis.—Bernard Guido.—Alvarus Pelagius.—Theophanes, bishop of Nice.—Philotheus.—Antonius Andreas.—Herveus Natalis.—Thomas of Strasburg.—Raynerius of Pisa.—John of Friburg.—Pope Clement VI.—Thomas Joyaius.—John of Naples.—Albert of Padua.—Michael Cesenas.

—Gregoroy Palamas.—Andronicus.—Peter of Duisburg.—Ludolf Saxon.—Cardinal Cajetan.—James of Viterbo.—Cardinal Balde.—George of Rimini.—Pope Benedict XII.—Guy of Perpignan.—Nicolas Cabasilas, archbishop of Thessalonica.—Richard, bishop of Armagh.—Demetrius Cydonius.—Petrarch.—Peter Berchorius.—John Cyparissotes.—Nicolas Oresme.—Philip Ribot.—Nilus Rhodius.—Marsilius Pat.—Maximus Plan.—John Taulerus.—Greg. Palamas.—Nic. Eymericus.—John Ruysbrock.—Manuel Caleca.—Catherine of Sienna.—St. Bridget.—Gerhard of Zutphen.—Pierre Ailli.—Francis Zaberella.—Marsilius of Padua, who wrote against the papal jurisdiction.—Phillippe de Mezieres.—Jordan of Quelinburg.—Barth. Albici of Pisa, author of the famous book of the Conformities of St. Francis with Jesus Christ.—Fabri, bishop of Chartres.—Michael Angrianus.—Raymond Jordan.—Jac. de Theramo.—Manuel Chrysoloras.—Cardinal Francis Zaberella, with many others, too numerous to mention.

REMARKABLE EVENTS.—Fruitless attempts made to renew the crusades.—Christianity encouraged in Tartary and China; but loses ground towards the end of this century.—The Lithuanians, and Jagello, their prince converted to the Christian faith in the year 1386.—Many of the Jews are compelled to receive the gospel.—Philosophy and Grecian literature are cultivated with great zeal in this century.—The disputes between the Realists and Nominalists revived.—Philip the Fair, king of France, opposes with spirit the tyrannic pretensions of the pope to a temporal jurisdiction over kings and princes, and demands a general council to depose Boniface VIII., whom he accuses of heresy, simony, and several enormities.—The papal authority declines.—The residence of the popes removed to Avignon.—The Universities of Avignon, Orleans, Florence, Cahors, Heidelberg, Prague, Perpignan, Cologne, Pavia, Cracovia, Vienna, Geneva, Orange, Sienna, Erfurt, and Angers founded.—The rise of the great western schism, which destroyed the unity of the Latin church, and placed at its head two rival popes.—John Wickliffe opposes the monks, whose licentiousness and ignorance were scandalous, and recommends the study of the Holy Scriptures.—The Knights Templars are seized and imprisoned; the greatest part of them put to death, and their order suppressed.—The Rise of the Roman empire in 1303.—The Golden Bull, containing rules for the election of an emperor, and a precise account of the dignity and privileges of the electors, is issued out by Charles IV.—Pope Clement VI. adds the county of Avignon to the Papal territories.—The Emperor Henry VII. dies, and is supposed by some authors to have been poisoned by a consecrated wafer, which he received at the sacrament, from the hands of Bernard Politian, a Dominican monk. This account is denied by authors of good credit. The matter, however, is still undecided.—Gunpowder is invented by Schwartz, a monk.—The mariner's compass is invented by John Goia, or, as others allege, by Flavio.—The city of Rhodes is taken from the Saracens, in the year 1310, by the Knights Hospitallers, or, as they are now called, Knights of Malta.—Tamerlane extends his conquests in the East.—The Bible is translated into French by the order of Charles V.—The beginning of the Swiss Cantons.—The Emperor Lewis of Bavaria, Philip the Fair, king of France, Edward III., king of England, who opposed the tyranny

of the popes, may be looked upon as witnesses to the truth, and preparers of the Reformation. To these we may add Durand, Gerson, Olivus, who called the pope Antichrist, and Wickliffe, who rejected transubstantiation, the sacrifice of the mass, the adoration of the host, purgatory, meritorious satisfactions by penance, auricular confession, the celibacy of the clergy, papal excommunications, the worship of images, the Virgin, and relics.—The order of the Garter is instituted in England by Edward III.

PROFANE AUTHORS.—Dante, the principal restorer of philosophy and letters, and also one of the most sublime poets of modern times.—Petrarch.—Boccaccio.—Chaucer.—Matthew of Westminster.—Nicolas Triveth.—Nicephorus Gregoras, the compiler of the Byzantine History.—Theodore.—Metochita.—Guillaume de Nangis, historian.—Henry Stero, historian.—Dinus Mugellanus.—Evrard, historian.—Hayton, an Armenian historian.—Albertino Mussato.—Orderick de Forli.—Lupold, bishop of Bamberg.—Peter of Douisbourg, an historian.—Albert of Strasbourg, an historian.—Barlaam of Calabria, master of Petrarch.—Joinville.—Peter de Aponno, physician and astronomer.—Marsilius of Padua, a famous lawyer.—John Andre, an eminent jurist.—Leontius Pilato, one of the restorers of learning.—Gentilis de Foligno.—Ismael Abulfeda, an Arabian prince.—Peter of Ferrara.—Arnold of Vienne.—William Grisant, an English mathematician.—Homodei of Milan.—Albergotti of Arezzo.—Philip of Leyden.—Baldus de Ubaldis.—Froissart, a French historian.



NOTES TO THE SECOND VOLUME,

FROM THE

YEAR 1400 TILL THAT OF 1700.



NOTES.

NOTE A, p. 186.

DR. JOHN POYNET, p. 75.—“Civil power, is a power and ordinance of God, appointed to certain things, but no general minister over all things. God hath not given it power over the one and the best part of man, that is, the soul and the conscience of man, but only over the other and worst part of man, that is, the body, and those things that belong to this temporal life of man.”

The following passages from Shakespeare, bearing upon political sentiment and opinion, are here inserted.

Menenius. What works, my countrymen, in hand? Where go you with bats and clubs? The matter? Speak, I pray you.

1st Citizen. Our business is not unknown to the senate: they have had inkling this fortnight what we intend to do, which now we'll show 'em in deeds. They say, poor suitors have strong breaths; they shall know we have strong arms too.

Men. Why masters, my good friends, mine honest neighbours, Will you undo yourselves?

1st Cit. We cannot, sir; we are undone already.

Men. I tell you, friends, most charitable care Have the patricians of you. For your wants, Your sufferings in this dearth, you may as well Strike at the heaven with your staves, as lift them Against the Roman state, whose course will on The way it takes, cracking ten thousand curbs Of more strong links asunder, that can ever Appear in your impediment. For the dearth, The gods, not the patricians, make it; and Your knees to them, not arms, must help. Alack! You are transported by calamity

Thither were more attends you ; and you slander
The helms o' the state, who care for you like fathers,
When you curse them as enemies.

1st *Cit.* Care for us ! True indeed ! They ne'er car'd for us yet. Suffer us to famish, and their storehouses furnished with grain ; make edicts for usury to support usurers ; repeal daily any wholesome act establish'd against the rich ; and provide more piercing statutes daily, to chain up and restrain the poor. If the wars eat us not up, they will ; and there's all the love they bear us."—*Coriolanus*.

" This royal throne of kings, this sceptred isle,
This earth of majesty, this seat of Mars,
This other Eden, demi-paradise ;
This fortress, built by nature for herself
Against infection, and the hand of war ;
This happy breed of men, this little world,
This precious stone set in the silver sea,
Which serves it in the office of a wall,
Or as a moat defensive to a house,
Against the envy of less happier lands ;
This blessed plot, this earth, this realm, this England,
This nurse, this teeming womb of royal kings,
Fear'd by their breed, and famous by their birth,
This land of such dear souls, this dear dear land,
Dear for her reputation through the world,
Is now leased out—
Like to a tenement or pelting farm !
England, bound in with the triumphant sea,
Whose rocky shore beats back the envious siege,
Of watery Neptune, is now bound in *with shame*,
With inky blots, and rotten parchment bonds ;
That England, that was wont to conquer others,
Hath made a shameful conquest of itself !"

King Richard II.

KING JAMES I. p. 86.—" The natural sickness that hath even troubled and been the decay of all the churches since the beginning of the world (changing the candlestick from one to another, as John saith), hath been—*pride, avarice, and ambition*."—*Basilikon Doron*, 1616.

" A king, governing in a settled kingdom, leaves to be a king, and degenerates into a tyrant, as soon as he leaves off to rule according to his laws. Therefore all kings that are not tyrants, or perjured, will be glad to bound themselves within the limits of the laws ; and they that persuade them the contrary, are vipers, pests, both against them and the commonwealth."—*Speech to his Parliament*, 1609.

JOHN BRADSHAW, p. 92.—" The following epitaph is often seen pasted up in the houses of North America. It throws some light upon the principles of the people, and may in some measure account for the asperity of the war

carrying on against them. The original is engraved upon a cannon at the summit of a steep hill near Martha Brae in Jamaica.

Stranger !

Ere thou pass, contemplate this cannon,
Nor regardless be told,
That near its base lies deposited the dust
Of JOHN BRADSHAW ;
Who nobly superior to selfish regards,
Despising alike the pageantry of courtly splendour,
The blast of calumny,
And the terrors of royal vengeance,
Presided in the illustrious band of Heroes and Patriots
Who fairly and openly adjudged
Charles Stuart
Tyrant of England
To a public and exemplary death ;
Thereby presenting to the amazed world,
And transmitting down through applauding ages,
The most glorious example
Of unshaken virtue,
Love of Freedom,
And impartial justice,
Ever exhibited on the blood-stained theatre
Of human actions.
Oh, reader,
Pass not by, till thou hast blest his memory !
And never, never, forget,
That Rebellion to Tyrants,
Is Obedience to God."

Memoirs of Thomas Hollis, 1780.

BARCLAY, p. 105.—"The 'Argenis' of Barclay, a son of the defender of royal authority against republican theories, is a Latin romance, superior, perhaps, to those, after Cervantes, which the Spanish or French language could boast. It has, indeed, always been reckoned among political allegories. That the state of France in the last years of Henry III. is partially shadowed in it, can admit of no doubt ; several characters are faintly veiled either by anagram or Greek translation of their names ; but whether to avoid the insipidity of servile allegory, or to excite the reader by perplexity, Barclay has mingled so much of mere fiction with his story, that no attempts at a regular key to the whole work, can be successful, nor, in fact, does the fable of this romance run in any parallel stream with real events. His object seems, in a great measure, to have been the discussion of political questions in feigned dialogue. But though in these we find no want of acuteness or good sense, they have not, at present, much novelty in our eyes ; and though the style is really pleasing, or, as some have judged, excellent, and the incidents not ill-contrived, it might be hard to go entirely through a Latin romance of 700

pages, unless, indeed, we had no alternative given but the perusal of some of his works in Spanish or French. The 'Argenis' was published at Rome in 1603, and some of the personages introduced by Barclay are his own contemporaries, affording a proof that he did not intend a strictly historical allegory of the events of the last age. The 'Euphormio' of the same author resembles, in some details, the 'Argenis,' but with less of story and character, has a more direct reference to European politics. It contains much political disquisition, and one of the chief objects of the book is employed in a description of the manners and laws of different countries, with no disguise of names."—*Hallam's Hist. Lit. vol. iii. p. 165.*

A work somewhat similar to the "Terra Australis" of Hall, was written about 1602, by Francis Godwin, a clergyman. It is called "The Man in the Moon." It was translated into French, and, it is said, became the model of the *Cyrano de Bergerac*.

NICOLAS BRETON, wrote a work, in 1616, called "The Good and the Evil of a Councillor." He says, "An unworthy councillor is the hurt of a king, and the danger of a state, when the weakness of judgment may commit an error, or the lack of care may give way to unhappiness. He is a wicked charm in the king's hand, a sword of terror in the advice of tyranny. His power is perilous in the weakness of will, and his heart full of hollowness in the protestation of loyalty. Hypocrisy is the corner of his counterfeit religion, and traitorous invention the agent of his ambition. He is the cloud of darkness that threatens the sun; if it grows to a storm, it is fearful where it falls. He is an enemy to God in the hate of grace, and worthy of death in disloyalty to the sovereign; in sum, he is an unfit person for the place of a councillor, and an unworthy subject to look a king in the face."

ANTHONY ASCHAM, published a work, in 1649, entitled, "Of the Confusion and Revolutions of Governments." The following is a passage from it: "There are some kingdoms which are considered for the king and his blood alone; and cannot properly call such *commonwealths*, because there is no community—neither of law, nor of any right, between prince and people, as the old Roman slaves, so those subjects, *non habent capita in jure*; those who were anciently excommunicated, of whom it was said, that they had wolves' heads, that is, men might kill them as pardonably as they kill wolves; these, likewise, had no community or participation of right, excommunication then being more than a bare putting out of table commons. Subjects as these, though they be knawed to the bones, and that their laws be but books of account for the prince's demanding their whole estates, yet they have not the right scarce of a sigh; they must bring tributes to their Cæsar, like the mute fish in the gospel, and afterwards are as sure as it, to pay their lives into the contribution."

LIBERTY OF CONSCIENCE, p. 108.—Liberty of conscience ought to be allowed.

Because, the general and universal royal law of Christ commands it: "That which ye would that men should do to you, do ye even so to them." That which every man would have and receive from another, he ought, by Christ's rule, to give and allow to another:—but every man is bound to have the liberty of his own conscience, therefore he ought to allow it to another.

Because, all obedience or service that is obtained by force, is for fear of wrath, and not from love, nor for conscience sake; and therefore will but continue as long as that force or fear abides upon them.

Because, that by forcing, no man can make a hypocrite to be a true believer; but on the contrary, many may be made hypocrites.

Because, that in all forced impositions upon men's consciences, there is something of the wrath of man exercised—which works not the righteousness of God, but rather begets enmity in the heart, one towards another.

Because, persecution for conscience sake, contradicts Christ's charge, who bids, that the tares (or false worshippers) be suffered to grow together in the field (or world) till the harvest (or end of the world). And force is contrary to the end for which it is pretended to be used—the preservation and safety of the wheat; which end is not answered by persecution, because the wheat is in danger to be plucked up thereby, as Christ saith.

Because, they that impose on men's consciences, exercise dominion over men's faith; which the apostles denied, saying, they had not dominion over any man's faith.

Because, there is but one judge, lawgiver, and king, in and over the conscience: and whosoever would intrude, so as to be judge and lawgiver over the conscience, intrrencheth upon the prerogative of Christ.

Because toleration of different persuasions in religion, was allowed in the Jewish state, as not inconsistent with their safety; and that in things very contrary to each other—as the Sadducees, Pharisees, Essæans, Herodians, and others.

Because, if the magistrate imposeth upon the conscience, he must do it either as a *magistrate* or as a *christian*. Not as a magistrate; for the heathens, being magistrates, have the same power to impose, and so by revolutions and conquest may come to give laws to christians, and compel them to idolatry. Not as christians; for that contradicts Christ's saying, "The kings of the Gentiles exercise lordship over them—but it shall not be so among you, for all ye are brethren."

Because, the strength of truth, and its conquest over falsity and deceit, is best discovered by letting both have their liberty from outward compulsion. For had outward force been less used, the prevalency of truth had been more manifest, and that wise saying experienced in the world, "That which is of God will stand—and that which is not will come to nothing."

Because, to impose upon man's consciences, and to destroy their persons for difference in religion, is contrary to the end of Christ's coming; who saith—he came not to destroy men's lives, but to save them.

Because, the disciples of Christ are rebuked by him, for desiring the destruction of those that were contrary to him, and would not receive him; which zeal is sharply reprov'd in his saying—they knew not what spirit they were of.

Because, people of different religions in one nation, if not tolerated, must some of them be destroyed or removed by banishment. If destroyed, the constancy and patience of the sufferers for their faith, moving pity and commiseration, makes men more ready to own that to reject their faith; and so

rather multiplies than lessens the number of its professors: if banishment renders the banished as so many enemies abroad, ready upon all occasions to disturb the peace and tranquillity of their native country.—*Liberal science, &c.*, 1661.

MARCHANT NEEDHAM, p. 121.—“And since it is of unavoidable necessity while the world stands there will be divisions of opinion, certainly such must needs be most rational, as shall provide ways of remedy against inconveniences as may follow them, rather than inventions of torture and to thwart and stifle them; because the understandings of men can never be compelled than their wills, to approve what they like not. So that plainly the great pretenders of national uniformity in religion, (those heretofore uniformity mongers that would have men take measure of all opinions of their own) are the greatest disturbers of states and kingdoms; and set on the same strain with the tyrant Mezentius, who if his guests were too long on couch, cut them shorter; and if they happened to be too short, he had recourse of torture to stretch them longer, being resolved to fit them all to the same measure and humour.”—*The Case of the Commonwealth of England* &c.

“The royalists are of two sorts: 1st such as adhere to the prince out of necessity; 2nd such as adhere to him out of humour. The former sort, who being hopeless of a return, or of the recovery of their fortunes, for reconciliation are constrained to run any hazard abroad with the head of the party, and turn every stone to overturn the present powers here in England, they may set up themselves. The latter sort of royalists are such, as they served heretofore under the royal standard, yet through the favour of parliament have regained possession of their estates; and therefore, being invested with their fortunes, they are loth as yet to attend the prince, though they follow him with their wishes, and would be glad to embrace his design underhand, or perhaps, when time serves, appear here again in person to make way for his advancement. These may, not improperly, be called humours loyalists, because they have only an obstinate and vain humour for the ground of their behaviour, without any respect of advantage to themselves, but are ridden by the other to carry on the high-royalist party, and run a new hazard of their own. To restore the prince, suppressed by the Almighty, they seem willing to venture the ruin of all their own families; and to serve the ends of certain persons, who follow him—men, whose fortunes are desperate—they are apt to fool themselves with the loss of their own, as they must needs do if the prince miscarry in his enterprise; whereas if he should carry it with success, they will be then better off than they were; they can be but masters of what they have already. The ranters and fugitives are they that will be looked on at Court. The wethers of royalty will bear away the bell of preferment; whilst the country royalists, both gentry and yeoman, shall be glad to drudge and to pay those yet unknown taxations, which must needs be collected from the forlorn brethren of the sword, the many younger brothers, and such as will come in with the grantees in hope to purchase a fortune by service of the public.”—*Marchamont Nedham. The Case of the Commonwealth of England*, fairly stated, 1650.

JOHN MILTON, p. 127.—“What should ye do, then? Should ye suppress all this flowery crop of knowledge and new light sprung up, and yet *springing* daily in this city? Should ye set an oligarchy of twenty engrossers over it, to bring a famine upon our minds again, when we shall know nothing but what is measured to us by their bushel? Believe it, Lords and Commons!—they who counsel you to such a suppressing, do as good as bid ye suppress yourselves; and I will soon show how. If it be desired to know the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild, and free humane government; it is the liberty, Lords and Commons! which your valorous and happy counsels have purchased us; liberty, which is the nurse of all great wits; this is that which hath rarefied and enlightened our spirits, like the influence of heaven; this is that which hath enfranchised, enlarged, and lifted up our apprehensions, degrees above themselves. Ye cannot make us now, less capable, less knowing, less eagerly pursuing of the truth, unless ye first make yourselves, that made us so, less the lovers, less the founders of our true liberty. We can grow ignorant again, brutish, formal, and slavish, as ye found us; but you then must first become—what ye cannot be—oppressive, arbitrary, and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts more erected to the search and expectation of greatest and exactest things, is the the issue of your own virtue propagated in us: ye cannot suppress that, unless ye reinforce an abrogated and merciless law, that fathers may dispatch at will their own children. And who shall then stick closest to ye, and excite others? Not he who takes up arms for coat and conduct, and his four nobles of Danegelt. Although I dispraise not the defence of just immunities, yet love my peace better, if that were all. *Give me the liberty, to know, to utter, and to argue freely according to conscience, above all liberties.*—“*Areopagitica, a Speech for the Liberty of unlicensed Printing*, 1644.

“Most certain it is (as all our stories bear witness) that ever since their (*the prelates*) coming to the see of Canterbury for near 1200 years—to speak of them in general, they have been in England to our souls—a sad and doleful succession of illiterate and blind guides, to our purses and goods—a wasteful band of robbers—a perpetual havoc and rapine, to our state—a continual hydra of mischief and molestation—the forge of discord and rebellion: this is the trophy of their antiquity, and boasted succession through so many ages: and for those prelate-martyrs they glory of, they are to be judged what they were by the gospel and not the gospel by them.”—*Of Reformation in England*, 1641.

REV. SAMUEL JOHNSON, p. 147.—“1. There is no natural obligation, whereby one man is to yield obedience to another, but what is founded in paternal or patriarchal authority. 2. All the subjects of the patriarchal monarch are princes of the blood. 3. All the people of England are not princes of the blood. 4. No man who is naturally free, can be bound but by his own act and deed. 5. Public laws are made by public consent, and they therefore bind every man, because every man's consent is involved in them. 6. Nothing but the same authority and consent which made the laws, can repeal, alter, or explain them. 7. To judge and determine causes against law, without law, or where the law is

heaven, and that it is only for want of money and for want of religion, that men take those desperate courses. Nor can it be denied, that the original law upon which christianity at the first was founded, does indeed expressly provide against all such severity. It was by the humility, meekness, love, forbearance, and patience, which were part of that excellent doctrine, that it became at last the universal religion; and can no more by any other means be preserved, than than it is possible for another soul to animate the same body."—*Of the growth of popery and arbitrary government in England, 1677.*

"But with shame be it spoken, the Spartans obliging themselves to Lycurgus's laws till he should come back again, continued under his most rigid discipline above twice as long as the christians did endure under the gentlest of all institutions, though with far more certainty expecting the return of their divine legislator. Insomuch that it is no great adventure to say, that the world was better ordered under the ancient monarchies and commonwealths, than the number of virtuous men was then greater, and that the christians found fairer quarter under those than among themselves: nor hath there any advantage accrued unto mankind from that most perfect and practical model of human society, except the speculation of a better way to future happiness, concerning which the very guides disagree, and of those few that follow it will suffer no man to pass without paying at their turnpikes. All which hath proceeded from no other reason, but that men, instead of squaring their governments by christianity, have shaped christianity by the measures of their government, have reduced that straight line by the crooked, and (bungling divine and human things together) have been always hacking and hewing one another, to frame an irregular figure of political incongruity.—For wheresoever either the magistrate, the clergy, or the people, could gratify their ambition, their profit, or their fancy, by a text improved or misapplied, *that* they made use of,—though against the consent, sense and immutable precepts of scripture: and because obedience for conscience was there prescribed,—the less conscience did men make in commanding; so that several nations have little else to show for their christianity, (which only requires instruction and example,) but a parcel of severe laws concerning opinion, or about the modes of worship, not so much in order to the power of religion, as over it."—*Ibid.*

JOHN GODWIN, p. 138.—"The premises from first to last considered, that doctrine which perogativeth kings above the stroke of human justice, by reason of their being unaccountable to men for whatsoever they do, (which the parliament taketh notice in their declaration of March 17, 1648, to have been the late king's assertion,) appears to be very extravagant, and eccentric to all principles both of reason and religion. Such an unaccountable officer, (as the said declaration well expresseth it,) were a strange monster to be permitted by mankind. For if the main ground for erecting administrations and courts of human judicature, in all politics and states whatever, be both in reason and religion, to succour and protect those who live justly and peaceably, against the violence and injustice of oppressors and unjust men, it must needs be contrary unto both, to exempt such persons from the jurisdiction of these courts and administrations, as have always the greatest opportunities and temptations, and for the most part, the strongest bent of

disposition and will, to practice such unrighteousness and oppress *obstructors of Justice*, 1649.

HOBBS, p. 142.—“It is chiefly in a moral and political point of the theories of Hobbes should be examined. In order to seize the connexion, it is necessary first to take notice of two fundamental conceptions which he deduces from his principle concerning the origin of knowledge.

“The first, relative to the intelligence, is this: all words which express incorporeal, the infinite, have no meaning for the human mind, but only represent something not represented by sensations. They are banished from philosophy as vain phantoms. He admits, however, the virtue of the law of association, which unites the sensations, and enables the human mind to ascend from cause to cause, we arrive at the idea of God as a physical cause, although the whole notion of the divine nature is not fully intelligible.

“The second consequence, relative to the will, is that there exists no motive to the will than sensations of pleasure and pain, or the notions of happiness and misery which we form by generalizing sensations.

“In a word, sensation, or, to speak in the language of Hobbes, as passive, is the matter of the intelligence; as active, the motive to the will.

“Now the desires, the appetites, by which each individual inclines to his own interests, produces two general and opposite results. This desire is unlimited; for we cannot conceive it as limited in point of right. In subordinating it to a moral law which is not derived from sensation, which for that reason is chimerical, at least relative to man. Every man, then, naturally a right to everything; he has the right to acquire everything he desires; and as each individual cannot acquire everything, possibly, except at the expense of the happiness of others, it follows that men are naturally in a state of war. See the immediate consequence of the law of enjoyment as the sole law of man.

“But, on the other hand, this state of war is destructive to security, and life. Consequently, the desire of enjoyment urges man to escape from this state. Now war resulting from the absolute and reciprocal independence of individuals, men cannot emerge from the primitive state of war, unless they renounce their independence, and by constituting a public force which shall prevail over all other wills. Hence the social condition, the state, may be established in two ways, because the sovereign force may be established in the way of institution, as when it results from a free contract; or in the way of acquisition, as when one or many individuals by violence compel other individuals to submit to their will; and, since the object to which the state should tend, that is, the cessation of war, is attained in the second as well as in the first, the state founded in a consent violently obtained is as legitimate as the state founded in a free convention. It results from this that the desire of enjoyment, although unlimited in point of right of nature, must be limited in point of fact in a social state in order

its end. See the second consequence, which is a mediate consequence of the law of enjoyment.

"The theory of Hobbes supposes, then, radically a state of contradiction, of opposition, of war, not only between the individuals who compose mankind, but also between the elements of human nature itself.

"Setting out with the equality of rights, founded solely upon the desire of enjoyment, Hobbes arrives at the destruction of all liberty. He lays down as a principle absolute independence, and establishes as a consequence absolute despotism; for the public force in his system is nothing but despotism conceived in its greatest strictness and extension.

"In fact, the public force can be limited neither by religious law, nor by moral law, nor by civil law. It cannot be limited by religious law; religion relates to objects lying beyond the domain of human intelligence: there can, therefore, be no other reason for preferring one kind of worship to another than the public utility, which is determined by the public force, which thus rules religion, and is not ruled by it. The public force cannot be limited by moral law. In the primitive state of war, every one having a right to everything, there is neither justice nor injustice, neither right nor wrong. In the social state, morality is nothing but the public utility; and here again it is to the sovereign public force it belongs to decide what is just or unjust; give this right to individuals, and the public force is destroyed. Finally, it cannot be limited by civil law, since civil law is nothing but an arrangement of means destined to secure the observance of the law of justice as it is arbitrarily understood and defined by the sovereign public force. Thus the public force is bound by no law whatever. It could not be limited in any degree without falling again, at least partially, into the state of war from which man emerged by society. This is also the reason why the bad administration of a state gives no right of overthrowing the governing force.

"Such an overturn causes the state to retrograde to the condition of war or the destruction of society, and the worst social state is better than its destruction. Only it may happen that the public force falls to dissolution; then the social compact is likewise dissolved, and men return of necessity to independence and war in order to arrive again at a social state, that is, to a universal and absolute submission to a public force adequate to maintain the peace.

"Hobbes blends with this theory maxims concerning the necessity of faithfully observing agreements and other obligations of justice and mutual benevolence. He shows very clearly that society could not exist but by the application of these maxims; but in his system, which radically abolishes the idea of rights and duties, we can find no conceivable root of any obligation whatever.

"Summarily, this system is social materialism. This character is manifest even in the terms employed by Hobbes to define the notion of philosophy. Setting out with sensations, he makes the sole object of philosophy to be the study of *bodies*, which he distinguishes into two classes, *natural bodies* and *political bodies*. Physics, taken in an extended sense, becomes then the sole science, whose universal instrument is reasoning, reduced, as we have seen, to mathematical processes. In his political theories Hobbes goes into one branch of that science which modern materialists have called *social physics*."

So tricks of state are manag'd best
By those that are suspected least,
And greatest finesse brought about
By engines most unlike to do't."

Miscellaneous Thoughts, 1660.

SIR JOHN HARRINGTON, p. 157.—"The errors and sufferings of the people are from their governors.

"The monarchy of England was not a government by arms, but a government by laws, though imperfect or ineffectual laws.

"The people cannot see, but they can feel.

"Where the spirit of a people is impatient of a government by arms, and desirous of a government by laws; there, the spirit of the people is not unfit to be trusted with their liberty.

"Where the security is no more than personal, there may be a good monarch, but can be no good commonwealth.

"Assemblies legitimately elected by the people, are that only party which can govern without an army.

"The people are deceived by names, but not by things.

"Where there is a well-ordered commonwealth, the people are generally satisfied. Where the people are generally dissatisfied, there is no commonwealth.

"Where civil liberty is entire, it includes liberty of conscience. Where liberty of conscience is entire, it includes civil liberty.

"To make principles of fundamentals, belongs not to men, to nations, nor to human laws. To build upon such principles or fundamentals as are apparently laid by God in the inevitable necessity or law of nature, is that which truly appertains to men, to nations, and to human laws. To make any other fundamentals and then build upon them, is to build castles in the air.

"The highest earthly felicity that a people can ask, or God can give, is a well-ordered commonwealth."—*Political Aphorisms*, 1659.

"A people that can live of themselves, neither care for king nor lords, except through the mere want of inventing a proper way of government; which, till they have found, they can never be quiet; wherefore to help a people at this streight, is both the greatest charity to our neighbours, and the greatest service a man can do for his country."—*A Parallel of the Spirit of the People*, &c., 1659.

"Lords spiritual are inspired with a third estate or share of a realm, which gives no toleration to any religion, but that only asserting this point which is monarchy. Setting this oracle and some like reasons of state aside, we may think that every sovereignty (as such) has liberty of conscience: this a king having, cannot give; and a people having, will not lose. For liberty of conscience is in truth a kind of state, wherein a man is his own prince. but a House of Peers sets up another prince—it cannot stand without a king. If the balance be in the lords, as before Henry VII., yet must they have a king to unite them, and by whom to administer their government: and if the balance be not in the lords, they stand or fall with the king—as the House of Peers in the long parliament—and the king falling, their government

your body, and your body divided into four quarters, and they to be disposed at the pleasure of the king. And the God of infinite mercy have mercy upon your soul!"

Col. Sydney. Then O God! O God! I beseech thee to sanctify these sufferings unto me, and impute not my blood to the country, nor to the city through which I am to be drawn: let no inquisition be made for it, but if any, (and if the shedding of blood that is innocent, must be revenged,) let the weight of it fall upon those that maliciously persecute me for righteousness' sake.

L. C. J. I pray God work in you a temper fit to go unto the other world, for I see you are not fit for this.

Col. Sydney, (stretching forth his hand) My lord! feel my pulse, and see if I am disordered. I bless God, I never was in better temper than I am now.

The Trial of Algernon Sydney, 26th, Nov. 1683.

"If the means for preventing slavery have not been provided in the first constitution of a country, or, from the changes of the times, corruption of manners, insensible encroachments, or violent usurpations of princes, have been rendered ineffectual, and the people exposed to all the calamities that may be brought upon them by the weakness, vices, and malice of the prince, or those who govern him, I confess the remedies are more difficult and dangerous; but even in these cases, they must be tried. Nothing can be feared, which is worse than what is suffered, or must in a short time fall upon those who are in this condition. They who are already fallen into all that is odious, shameful, and miserable, cannot justly fear. When things are brought to such a pass, the boldest counsels are the most safe; and if they must perish who lie still, and they can but perish who are more active, the choice is easily made. Let the danger be never so great, there is a possibility of safety whilst men have life, hands, arms, and courage to use them; but that people must certainly perish, who tamely suffer themselves to be oppressed, either by the injustice, cruelty, and malice of an ill magistrate, or by those who prevail upon the vices and infirmities of weak princes. It is vain to say, that this may give occasion to men of raising tumults, or civil war; for though these are evils, yet they are not the greatest of evils. Civil war, in Machiavel's account, is a *disease*, but tyranny is the *death* of a state. Gentle ways are the first to be used; and it is best if the work can be done by them, but it must not be left undone if they fail. It is good to use supplications, advices, and remonstrances; but those who have no regard to justice, and will not hearken to counsel, must be constrained."—*Algernon Sydney. Discourses on Government, 1597.*

JOHN LOCKE, p. 166.—"But if these illegal acts, on the part of the chief magistrate, have extended to the majority of the people, or if the mischief and oppression have lighted only on some few, in such cases, however, as the precedent and consequences seem to threaten all; and they are persuaded in their consciences, that their laws, and with them their estates, liberties, and lives, are in danger; and perhaps their religion too; how they will then be hindered from resisting illegal force used against them, I cannot tell. This is an inconvenience, I confess, that attends all governments whatsoever, when the governors have brought it to such a pass, as to be generally suspected of their people; the most dangerous state they can possibly put themselves in: wherein they are

yond the greatest part of the sons of Adam, is so far from being an excuse—much less a reason—for rapine and oppression, (which the endamaging another, without authority, is) that on the contrary it is a great aggravation of it. For the exceeding the bounds of authority is no more a right in a great, than in a petty officer; no more justifiable in a king, than in a constable; but is so much the worse in the former, in that he had more trust put in him, has already a much greater share than the rest of his brethren, and is supposed, from the advantages of his education, employment, and counsellors, to be more knowing in the measures of right and wrong.”—*Two Treatises on Government*, 1690.

“As usurpation is the exercise of power which another hath a right to, so tyranny is the choice of exercise beyond right, which nobody can have a right to. And this is making use of the power any one has in his hands, not for the good of those who are under it, but for his own private separate advantage, when the governor (however entitled) makes not the law, but his will, the rule: and when his command and actions are not directed to the preservation of the properties of his people, but to the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion.”—*Ibid.*

JOHN TRENCARD wrote a work, in 1697, called “An Argument Showing that a Standing Army is inconsistent with a Free Government.” The following passage will show the nature of the treatise. “But I desire to know of these patriots, how comes an army necessary to our preservation now, and never since the conquest before? Did ever the prevailing party in the wars of York and Lancaster attempt to keep up a standing army to support themselves? No. They had more sense than to sacrifice their own liberty, and more honor than to enslave their country, the more easily to carry on their own faction. Were not the Spaniards, as powerful, as good soldiers, and as much our enemies, as the French are now? Was not Flanders as near us as France—and the popish interest in Queen Elizabeth’s time as strong as it is now? And yet that most excellent princess never dreamt of a standing army, but thought her surest empire was to reign in the hearts of her subjects, which the following story sufficiently testifies. When the Duke of Alençon came over to England, and for some time had admired the riches of the city, the conduct of her government, and the magnificence of her court,—he asked her, amidst so much splendour where were her guards? Which question she resolved, a few days after, as she took him in her coach through the city; when, pointing to the people, who received her in crowds with repeated acclamations, ‘These,’ said she, ‘my lord, are my guards. These have their hands, their hearts, and their purses, always ready at my command.’ And these were guards, indeed, who defended her, through a long and successful reign of forty-four years against all the machinations of Rome, the power of Spain, a disputed title, and the perpetual conspiracies of her own popish subjects;—a security the Roman emperors could not boast of, with all their Prætorian bands and their eastern and western armies.”

The Pawnes.

The Pawne before the King, is peace
 Which he desires to keepe at home,
 Practise, the Queene's which doth not cease
 Amid the world abroad to roame,
 To finde, and falle upon each foe,
 Whereas his mistres meanes to goe.

Before the Knight, is peril plac'd,
 Which he, by skipping overgoes,
 And yet that Pawne can worke a cast,
 To overthrow his greatest foes ;
 The Bishop's prudence, prying still
 Which way to worke his master's will.

The Rooke's poor Pawnes, are sillie swaines
 Which seeldome serve, except by hap,
 And yet those Pawnes can lay their traines,
 To catch a great man in a trap :
 So that I see, sometime a groome
 May not be spared from his roome.

The nature of the Chesse Men.

The King is stately, looking bie ;
 The Queene doth beare like majestie :
 The Knight is hardie, valiant, wise :
 The Bishop prudent and precise :
 The Rookes no raungers out of raie ;
 The Pawnes the pages in the plaie.

L'envoy.

Then rule with care, and quicke conceit,
 And fight with knowledge as with force ;
 So beare a braine, to dash deceit,
 And worke with reason and remorse.
 Forgive a fault when young men plaie,
 So give a mate, and go your way.

And when you plaie, beware of checke ;
 Know how to save and give a necke ;
 And with a checke beware of mate ;
 But cheefe ware—had I wist too late,—
 Loose not the Queene, for ten to one
 If she be lost, the game is gone.

"*The Chesse Play.*" *Very aptly devised by N. B. Gent.* (*From the Phanix Nest, &c.*), 1593.

NOTE C, p. 261.

FRANCIS HOTTOMAN, p. 220.—“But to come to a matter of greater consequence, wherein the prudence and wisdom of our ancestors does most show itself. Is it not apparent how great and manifest a distinction made between the *king* and the *kingdom*? For thus the case stands: the king is one principal single person; but the kingdom is the whole of the citizens and subjects. And Ulpian defines him to be a traitor who is stirred up with a hostile mind against the commonwealth, or against a prince. And in the Saxon laws, Tit. 3, it is written, ‘whosoever shall strive anything against the kingdom or the king of the Franks, shall be hanged.’ And again, ‘the king has the same relation to the kingdom as a father has to his family; a tutor to his pupil; a guardian to his ward; a captain to his ship; or a general to his army.’ As therefore a pupil is not against the will of his tutor, nor a ship for the sake of the pilot, nor an army for the sake of the general—but on the contrary, all these are made such for the sake of those they have in charge; even so the people is not designed for the sake of the king, but the king is sought out and instituted for the sake of the people. For a people can subsist without a king, and be governed by its nobility; but it is even impossible to conceive a thought of a king without a kingdom. Let us consider more differences between them. A king, as well as a private person, is a mortal man: a kingdom is perpetual, and considered as immortal, as civilians use to say, when they speak of corporations and corporate bodies. A king may be a fool or a madman like our Charles the Sixth, who gave away his kingdom to the English; neither is there any sort of security more easily cast down from a sound state of mind, through the temptations of unlawful pleasures and luxury: but a kingdom has written in its constitution a perpetual and sure principle of safety, in the wisdom of its senators and persons well skilled in affairs. A king in one battle, in one day, may be killed or come or taken prisoner and carried away captive by the enemy, as it happened to St. Louis, to King John, and to Francis the First. But a kingdom, if it has lost its king, remains entire; and immediately upon such a misfortune a convention is called, and proper remedies are sought by the chiefs of the nation against the present mischiefs, which we know has been done in many like accidents. A king, either through infirmities of age, or levity of youth, may not only be misled by some covetous, rapacious, or lustful courtiers, but may not only be seduced and depraved by debauched youths of equal age with himself—but may be infatuated by a silly wench, so that he deliver and fling up the reins of government wholly into her power; and such persons, I suppose, are ignorant how many sad examples we have of such mischiefs: but a kingdom is continually supplied with the wisdom and counsel of the grave persons that are in it. Solomon, the wisest of mankind, in his old age seduced by harlots; Rehoboam by young men; Ninus by his own mother, Semiramis; Ptolomeus, surnamed Auletes, by harp players. Our ancestors left to their kings the choice of their own privy councillors, who might advise them in the management of their private affairs; but such senators as were to consult in council, and take care of the administration, and instruct the king in the government of his kingdom.

reserved to the designation of the 'public convention.'—*Franco Gallia*, 1574.

"But now we come to the third part of this controversy, in order to understand how great was the right and power of the people, both in making and continuing their kings. And I think it is plainly proved from all our annals, that the highest power of abdicating their kings was lodged in the people. The very first who was created king of Franco-gallia, is a remarkable instance of this power. For when the people had found him out to be a profligate, lewd person, wasting his time in adulteries and whoredoms, they removed him from his dignity by universal consent, and constrained him to depart out of the territories of France; and this was done, as our annals testify, in the year of Christ, 469. Nay, even Eudo, whom they placed in his stead, abusing his power through excessive pride and cruelty, was with the like severity turned out. Which fact we find attested by Gregory of Tours, l. 2, c. 12. Aimoinus, l. 1, c. 7. Godfrey of Viterbo, part 17, c. 1, and Sigibertus, under the years 461 and 469. 'Childeric,' says Gregory, 'being dissolved in luxury when he was king of the Franks, and beginning to deflower their daughters, was, by his subjects, cast out of the throne with indignation; whereupon he, finding they had a design to kill him, fled into Thuringia. But the Abbot of Ursperg says, the people were unwilling to kill him—contented with having turned him out, because he was a dissolute man, and a debaucher of his subjects' daughters.' Sigibertus says, 'Hilderic behaving himself insolently and luxuriously, the Franks thrust him out of the throne, and made Ægidius their king.' And this most glorious and famous deed of our ancestors deserves the more diligently to be remarked, for having been done at the very beginning, and, as it were, in the infancy of that kingdom; as if it had been a denunciation and declaration—that the kings of Franco-gallia were made upon certain known terms and conditions, and were not tyrants, with absolute, unlimited, and arbitrary power."—*Franco Gallia*, 1574.

HUBERT LANGUET, p. 221.—"There is ever, and in all places, a mutual and reciprocal obligation between the people and the prince: the one promiseth to be a good and wise prince, the other to obey faithfully provided he govern justly. The people therefore is obliged to the prince under condition, the prince to the people simply and purely; so that if the prince fail in his promise the people is exempt from obedience, the contract is made void, and the right of obligation of no force. Then the king, if he govern unjustly, is perjured, and the people are likewise forsworn if they obey not his lawful commands; but that people is truly acquit from all perfidiousness which publicly renounces the unjust dominion of a tyrant."

"But lest they should except against me, as if I thought to trench too much upon the royal authority, I verily believe it is so much the greater, by how much it is likely to be of long continuance. For, saith one, servile fear is a bad guardian for that authority we desire should continue; for those in subjection hate whom they fear, and whom we hate, we naturally wish their destruction. On the contrary, there is nothing more proper to maintain their authority, than the affection of their subjects, on whose love they may safest and with most security lay the foundation of their greatness. There-

"Princes cannot reasonably complain of the transgressions of their subjects, because it is necessarily their own negligence or ill example that debauches them; and if the people of our times are infamous for thefts, robberies, plundering, and such like enormities, it proceeds from the exorbitance and rapacity of their governors. Romagna, (before Pope Alexander VI. exterminated the Lords who had command in those parts,) was the scene of all dissoluteness and iniquity, every day and every trivial occasion producing notorious murders and rapines; which was not so much from any depravity of nature in the people, as from the corruption of their princes; who being poor of themselves, yet ambitious to live in splendour and magnificence, were forced on evil courses, and indeed refused none that could supply them. To pass by others, one of their detestable ways was to make laws against such and such things, which, after publication, they themselves would be the first to break, to encourage others to do the same; nor was any one punished for his transgression till they saw more involved in the same *præmunire*—then, forsooth, the laws were executed most strictly—not out of any true zeal for justice, but of a desire of fingering the fines: from whence it followed, that by grievous mulcts and extortions the people being impoverished, were compelled to use the same violence on those less potent than themselves. By, this means men were not so much corrected, as instructed to do ill; and all these evils proceeded from the iniquity of their princes."—*Discourses*.

Machiavel attributes to the court of Rome the loss of all "sense of religion in his time to that court, which had corrupted the manners of the whole country, and would corrupt those of the most virtuous country, wherever it should reside."

THOMAS CAMPANELLA, p. 281.—The social and political philosophy of this author has for its aim the reformation of humanity; and this reformation, if it were complete, would consist in re-establishing the integrity and harmony of power, wisdom, and love, the three primordial qualities, which the passions of man have corrupted or put at variance. In his book, entitled "Of the City of the Sun," Campanella has traced the plan of a typical society. It is ruled by a supreme chief, who represents God, who has three ministers presiding; the one over the physical force, the other over the propagation of science and wisdom, and the third over social union and the intercourse of life. But, singularly enough, this treatise contains nearly the bases of St. Simonism, and other kindred doctrines; such as embrace the community of goods and wives, the destruction of domestic and family relations, the transformation of domestic servitude into public functions, and the public authority, which consists solely in directing the various classes of labourers, exercised in each degree of the hierarchy by one man and one woman. Campanella, however, presented this typical society, so far as it implied the destruction of marriage and all the immoral consequences resulting therefrom, only as something intermediate between the degradation of heathen society, and the social perfection of which the christian system is the principle.

"Campanella gave a loose to his fanciful humour in a fiction, entitled the 'City of the Sun,' published at Frankfort in 1623, in imitation perhaps, of the 'Utopia'. The 'City of the Sun' is supposed to stand upon a mountain situated

the days when the Briton called the Norman and the Frank, stranger and robber;—when Provençals, Gascons, Lorrainers, Burgundians, and Flemmings would have deemed it an insult to be called Frenchmen. But already hearts were beating in Italy at the loved name of Italy; and the national mind already rebelled against the barbarous latinity of the pontifical canons and the feudal institutes; and the vernacular language of the people sounded forth sublime hopes, generous indignation, and immortal loves. From the day when first we awoke to self-consciousness—to the consciousness of our miseries and our destinies—from that day shone forth invincible the great idea of Italian unity, incarnate in the language, in the poetry, and the traditions of the people; shone forth with a ray that never more either the arms of strangers or our own degradation can quench. With Dante and Petrarch commenced that brotherhood, which shall then only be complete when four hundred thousand men shall move under one banner, exhorted to do or die in that tongue that in such terrible accents spoke its wrath, *'alla serva Italia, di dolore ostello'*;—when an Italian senate shall discuss Italian interests in the idiom that Cola di Rienzi spoke, that thundered from the pulpit of St. Marc in the mouth of Savonarola, that conveyed the severe and subtle reasoning of Machiavello. Glory to the tongue and to the poesy of Italy! Let all those who burn with love for their country think of the moment when first was awakened in their hearts the religion of patriotism, when first they felt their cheek glow with a patriot's indignation, and they will call to mind some monumental verse of Dante, some living melody of Petrarch—ever more true by far, and more impassioned, when he sings of the land *'che copre l'uno e l'altro parente'*, than when he quibbles on his Laura and the laurel. Glory to the poesy of Italy! When all was still and dead, when he snatched the arms from each other's hands, when energy and courage were extinct, her voice still never failed; nor did her courage ever desert her—her the vainly-derided guardian of a destiny, which fortune and violence may defer, but cannot prevent. . . . And in these days, when we are compelled to own the wretched doubt, whether the misfortunes or the shame of Italy be the greater, who can point to any act that has better served our country's cause than the verses of Berchet, of Niccolini, of Leopardi, of Pellico? Our poets have done that which to the vanquished is so difficult to do. They have given somewhat of dignity to our misfortunes—have commanded somewhat of respect for our distress. Europe, which had looked on with a mocking smile at the vain supplications of the commissioners of the Italian regency—at the almost bloodless discomfiture of the Neapolitans and Piedmontese—at the defeats of Nevi and Rimini—at the assassinations of Modena and Savoy—could not read without tears and indignation the story of the horrors of Spielberg."

"The following works may be consulted on the subject of this note:—"Le Combalum Mundi," by Paul. L. Jacob, Paris, 1841. "Les Cent Nouvelles Nouvelles," by Le Roux de Lincy, Paris, 1841. "Le Moyen de Parvenir," by Charles Nodier, Paris, 1841. "Les Contes, ou, Le Nouvelles Recreations et Joyeux Devis, de Bonaventure des Periers," Paris, 1541. "Propos Rustiques, Baliverneries, Contes, et Discours' Eutrapec," by J. Marie Guirhard, Paris, 1842. "Joyensetez, Faceties, et Folâtres Imaginacions de Caremeprenant, Gauthier, Garguille, Guillot Gonju, &c." 22. vol. Paris.

NOTE E, p. 364.

REFORMATION, p. 295.—“Those students of history are much who imagine that Wickliffe was the first reformer, or that Luther founder of the Reformation. Resistance to Rome was as general uniform, though it was overpowered for many centuries, as resistance to arbitrary power, and political tyranny may be traced in every page of the history of England. Wickliffe followed in the train of the Hincmar, other bishops, whether of France, Milan, Ravenna, Constantinople, where, who dauntlessly opposed the bishop of Rome; and Luther the voice of the mind of Europe, which had bowed down with its weight under the pontifical yoke. The iron sway of the Norman kings of England suppressed the passionate ardour of the English for the more free institutions of their Saxon ancestors. The establishment of our now common privileges, of taxation with representation, and the participation of the community in political power, is but the conclusion of the demands of our ancestors, that their laws should be enacted with the consent alone. The temporary suppression of the will of the people does not change the principles of liberty, nor prevent the eventual triumph of its advocates. So it was with the Reformation. The mass of events comprised under that name, some of which were most objectionable, the termination, in a large portion of Europe, of the continued and resistance to the domination of the bishop of Rome. That resistance was suppressed, and burnt out in Spain, Italy, and many other places.”—*Political and Civil History Philosophically Considered, by the Rev. Geo. T. Colver*, 1847.

THEODORE BEZA, p. 310.—This distinguished man was the author of a popular political song concerning the Sealado, which the people of Portugal sing on the day of the anniversary; and which Bayle says, “was which left in their minds the most lively impression.”

MELCHIOR INCHOFER, p. 336.—In reference to the work of this author, Hallam has the following remarks:—“Another Latin romance has acquired celebrity in its day, the ‘*Monarchia Solipsorum*,’ a satire on the Jesuits, under the fictitious name of Lucius Cornelius Europeus. It has been ascribed to more than one person; the probable author is one Scotti, who had belonged to the order. This book did not seem to me in the least interesting, if it is so in any degree, it must be not as a mere fiction, but as a revelation of secrets.”

SPINOZA, p. 337.—The political ideas of Spinoza were essentially grounded on his ontological system. In matters of mind he considered intelligence as simple modifications of man's organic structure. In his view of morality, the notions of right and wrong are a nullity, inasmuch as they are inconceivable with a system where everything is absolutely identical, and the necessary result of the energy of the sole or uniform substance of nature. The same ideas carried out in reference to politics, in all their applications and dependencies, bring us at last to the notion of force; and

again, when contrasted with his mental and moral theory, brings us to this, that justice relatively to each person can only be conceived as the measure of his individual power; since in order to conceive it under any other aspect, we must fall back upon an imaginary divine law and of free-will—two things most decidedly negatived by the whole tenor of his reasoning.

Thus Spinoza arrives at the same result as Hobbes, only by a contrary route. The latter sets out from the diversity of human individuals as naturally hostile to each other; the Dutch philosopher starts from their absolute identity. The one excludes from his social hypothesis the idea of the infinite element—the principle of moral obligation; the other excludes the notion of finite beings, subjects of these moral obligations. Both land us in the politics of *force*; Hobbes assuming the character of an unmixed despotism—Spinoza that of pure anarchy.

SIEUR DE SAINTE ALDEGONDE, was a distinguished statesman, and political writer of the Low Countries. His books and tracts on politics chiefly relate to the Spanish power in Belgium, and to the oppressions which its people endured during the sixteenth century. Aldegonde was the author of one of the most popular political songs of the day, and from which, Bayle tells us the republic gained great advantages. Another Belgian writer speaks of it in these terms. "The same person is said likewise to be the author of that famous song written in praise of Prince William of Nassau, addressed to the people of the Low Countries, oppressed by the tyranny of the Duke of Alva. This song is so excellent in its composition, and the rhymes and time so good, that it inflamed the minds of the populace with a prodigious love for the prince and the liberty of their country. In this point Sainte Aldegonde showed himself, as it were, another Tyrtaeus, so often applauded by Plato; for, as this song contains an encomium of that brave prince, excitements to virtue, consolation for losses, and useful advices, it inspired the people with a strong resolution of defending the prince and the liberty of their country so that nothing can be thought to have been published more suitable to the circumstances of the times." Bayle adds to this: "We have one of the most important services from the hand of Aldegonde. A hundred good reasons might have been given against Spanish oppression, and it was of great importance to inculcate them upon the people, both in the pulpit and in books; but nothing could so much serve this purpose as a song; for it is a thing which imprints itself on the memory, and everybody, even the peasants and servants, repeat it daily with great satisfaction and joy."

NOTE F, p. 409.

THE JESUITS, p. 371.—"Let every one observe," (say the *Constitutions* of the Jesuits) that they who live under obedience ought to allow themselves to be borne and carried out by Divine Providence, acting in the person of their superiors; and they ought to permit themselves to be moved about as if they were a *corpus*, which suffers itself to be carried and swayed in any way you please; or, as if they were a *staff* in the hands of an old man, which allows him to use it wheresoever, and for whatsoever he likes."—See "*The Gospel in Advance of the Age*," by the Rev. Robert Montgomery, 1849.

according to the most natural and reasonable construction of his words, he allowed to the church a control only over spiritual concerns, and recognised the supremacy of the civil powers in all temporal affairs."—*Sir J. Mackintosh.*

SEPULVEDA.—The title of the conference at Valladolid on the subject of Indian conquest and slavery is, "The Controversy between the Bishop of Chiapa and Dr. Sepulveda, in which the Doctor contended that the Conquest of the Indies from the Natives was lawful, and the Bishop maintained that it was unlawful, tyrannical, and unjust, in the presence of many theologians, lawyers, and other learned men assembled by his majesty."—*Antonii, Bibl. Hisp.*





UNIVERSITY LIBRARY.
DEC 18 1906

